



Ministry of Housing,
Communities &
Local Government

Clarification of Approved Document B and Next Steps for Part B of the Building Regulations.

A consultation paper

19 July 2018
Ministry of Housing, Communities & Local Government



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Scope of the consultation

Topic of this consultation:	This consultation seeks views on the clarification of Approved Document B. The proposal is in line with the Secretary of State's commitment in Parliament on 17 May 2018 to consult on clarifying building regulations fire safety guidance.
Scope of this consultation:	Building Regulations.
Geographical scope:	These proposals relate to England only.
Impact assessment:	N/A

Basic Information

Body/bodies responsible for the consultation:	Ministry of Housing, Communities and Local Government (MHCLG)
Duration:	This consultation will last for 12 weeks from 19 July 2018 until 11 October 2018.
Enquiries:	For any enquiries about the consultation please contact The MHCLG Building Regulations team by emailing: ADBconsultation@communities.gsi.gov.uk
How to respond:	<p>Responses to the consultation questions should be submitted by online survey: https://www.surveymonkey.co.uk/r/3HMPLWL</p> <p>Responses to drafting changes to Approved Document B should be submitted by using the Excel template available here: https://www.gov.uk/government/consultations/fire-safety-clarification-of-statutory-guidance-approved-document-b</p> <p>We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as local authorities, representative bodies and businesses. Consultations receive a high-level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised.</p> <p>Should you be unable to respond online we ask that you complete the pro formas in <i>How to Respond and Annex A</i>. Additional information or evidence can be provided along with your completed pro forma/s.</p>

	<p>In these instances you can email your pro forma/s to: ADBconsultation@communities.gsi.gov.uk</p> <p>Or send to: Clarification of Approved Document B, MHCLG, 2 SW, Fry Building, 2 Marsham Street, London, SW1P 4DF</p>
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Introduction

1. On 17 May 2018, in his statement to Parliament on the Government's response to the publication of Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety, the Secretary of State reaffirmed the Government's intention "*to clarify building regulations fire safety guidance, and I will publish this for consultation in July*". This consultation is seeking views on our proposed clarification of Approved Document B and sets out the Government's plans for further work on a wider technical review of Approved Document B.

Background

2. The technical requirements in Building Regulations are supported by statutory guidance set out in "Approved Documents" which provide advice on approaches to compliance. Guidance on fire safety is set out in Approved Document B (ADB). There are currently two volumes; volume 1 covers dwellinghouses and volume 2 covers buildings other than dwellinghouses.
3. The Coroner's report into the Lakanal House fire recommended that the government clarify ADB. The then Secretary of State responded that this would be completed by 2016/17. Work had commenced but not completed by the time of the Grenfell fire. Following Grenfell, the Government put this clarification work on hold to reconsider the position in the light of the findings and recommendations of Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety.
4. In her Interim Report, Dame Judith Hackitt recommended that government consider presentational changes to improve the clarity of ADB. In response to this, the then Secretary of State announced that government would work quickly with industry experts to complete work on clarifying the guidance. To that end, we have been working with industry experts and members of the Building Regulations Advisory Committee (BRAC) on draft clarified ADB which we are now publishing for public consultation. **We are now seeking views on the improved clarity and usability of the new draft guidance.**
5. The clarified draft ADB contains revised guidance on restricting the use of assessments in lieu of tests and the use of combustible materials in the external walls of high-rise buildings, both of which have been or are subject to separate consultation. Further details on our proposed approach on these issues in respect to this consultation are set out below.
6. We will produce a detailed impact assessment based on the information we receive from this consultation to inform our final policy decision.

7. The Government response to this consultation will also take into account any emerging findings from the Public Inquiry into the Grenfell Tower fire.

Proposed Approach to Clarified Approved Document B

8. Approved Document B has been redrafted to simplify and clarify its content in line with the Department's style guide for Approved Documents. The aim of this updated draft ADB is to support a reader's understanding and to help avoid misinterpretation. This will assist those undertaking building works and support compliance checking by building control bodies.
9. As well as trying to ensure that ADB incorporates a plain English approach, there has also been a significant reconfiguration of ADB. In 2006, the two volumes of ADB were split between dwelling houses and all other buildings. This split was inconsistent with other Approved Documents which have now been split between dwellings and non-dwellings therefore guidance on the design of blocks of flats moves from volume 2 to volume 1.

Question 3

- a) Do you agree that the volumes of ADB should be split between dwellings and non-dwellings?
- b) If no, how else should they be split?

Question 4

- a) Do you agree that flats should be included in the same volume of ADB as dwellings?
- b) If no, please give a reason for your answer.

10. Other key editorial changes include;
 - a. clearly differentiating between external fire spread on the external walls of the building and fire spread from one building to another;
 - b. using European classifications for fire resistance and reaction to fire within the main body of the document to prevent confusion and align the Approved Document with international norms. Retaining advice on British Standards to allow for conversions, if needed;
 - c. consolidating guidance on fire dampers and ventilation systems into one place (current guidance is in two locations);
 - d. moving guidance on the provision of information (regulation 38) and insulated core panels from the appendices into the main body of the document;

- e. where possible specifying the period of fire resistance for a construction in the body of the text rather than relying on tables in the back; and
- f. removing unnecessary informative advice which is outside the scope of the regulations.

Question 5

- a) **Do you think there are sections of the guidance where the amendments have gone beyond providing clarification?**
- b) **If yes, please tell us which section/s and the reason for your answer.**

11. To help users, references are made in the body of ADB to appropriate standards. When ADB refers to a named standard or other document, the relevant version of the standard or document is listed in Appendix E (standards) or Appendix F (other documents). We invite views on whether this approach is clear or whether there are better ways to cross-reference this information. We also invite views on the clarified ADB in particular where you think the guidance could be clarified further or where guidance in the approved document would be better placed in an industry standard. The format for how we would like you to feed-in any specific suggestions on how to amend the guidance itself is set out in Annex A of this consultation document.

Question 6

- a) **Is the signposting to standards and other documents clear in ADB?**
- b) **If no, please tell us how you think it could be presented in a clearer manner.**

Question 7

- a) **Do you think there is any guidance in ADB which should be in an industry standard instead?**
- b) **If yes, please tell us which section/s and the reason for your answer.**

Guidance on the use of assessments in lieu of tests

12. In her Interim Report Dame Judith Hackitt recommended that government amend guidance in ADB to restrict the use of assessments in lieu of tests (also known as desktop studies).

13. In April 2018, the government published a consultation paper on proposed amendments to statutory guidance on assessments in lieu of tests in ADB, which sought to clarify the existing text and create new requirements for assessments in lieu of tests. This consultation has now closed; we are analysing responses and will report in late autumn.
14. The desktop studies consultation proposed draft text for inclusion in ADB. This is the text that we have used in the new clarified ADB, and is contained at Appendix B A1 – A4 in both volumes. However this text could be subject to change following analysis of consultation responses. **We are not inviting responses to paragraphs A1- A4 of Appendix B in this consultation exercise.**

Guidance on the use of combustible materials on wall systems of high-rise buildings

15. Similar to the proposal to restrict the use of assessments in lieu of tests, the government's proposed approach on banning the use of combustible materials in the external walls of high-rise residential buildings is subject to separate consultation. This consultation is open for responses until 14 August and can be found at <https://www.gov.uk/government/consultations/banning-the-use-of-combustible-materials-in-the-external-walls-of-high-rise-residential-buildings>. The outcome of this consultation will also have a bearing on the final guidance in ADB including our approach to assessments in lieu of tests.
16. For the purposes of this consultation we have, as we have done for the desktop studies guidance, used draft text in line with the policy intention set out in the separate consultation. The text is subject to the outcomes of the consultation and could be amended in light of responses. The draft text is in Section 11.1 in Volume 1 and Sections 13.1-13.2 in Volume 2 and illustrates one possible outcome where the ban applies to dwellings but a more flexible approach would remain for buildings other than dwellings.
17. **We are not inviting responses to these sections in this consultation exercise.** Should you wish to comment on the government's proposal to banning the use of combustible materials in the external walls of high-rise residential buildings please respond using the above link and not through this consultation.

Wider Technical Review

18. Historically, the department has updated the technical guidance in Approved Documents every six to eight years in line with innovations in the construction sector and science. In addition to clarifying ADB we have listened to calls from stakeholders for a review of areas of technical policy within ADB. Evidence already submitted to the Grenfell Tower Inquiry has identified potential areas for review. The department has undertaken work to identify technical issues.

19. A full technical review of the Approved Document will be a major exercise. The Government therefore intends to publish a Call for Evidence in the autumn to seek views on issues which need to be reviewed and priorities within that.

Assessment of Impacts

20. An Assessment of Impact has been produced for the proposed change and is included in Appendix B. The proposed changes could provide greater clarity regarding routes to compliance, reducing the risks of misinterpretation by people carrying out the work or by building control bodies in the future and so improving compliance. It could also reduce the time spent dealing with uncertainty in the interpretation of guidance and so result in a modest saving to business. The analysis concludes that there will be a one-off transition cost, as the industry familiarises itself with the changes, of £12.9m. There will then be a present value cost saving over ten years of £20.2m, which gives an equivalent annual net saving of £2.4m.

Question 8

- a) Does the “Assessment of Impact” in Appendix B provide a proportionate presentation of the likely impacts of the proposed change?
- b) Please provide any additional evidence you may have available on the impact of the proposed change.

Next Steps

21. As outlined above, this consultation feeds into wider work the department is undertaking on fire safety guidance. Below is an outline of our approach of how all the relevant consultations and calls for evidence fit together and gives an indicative timeline for delivery:
- **Early autumn** – launch wider technical call for evidence of ADB and supporting documents.
 - **Late autumn** – announce the outcome of the consultations on desktop studies and banning combustible materials in the external walls of high-rise residential buildings.
 - **Early 2019** – publish the clarified ADB and a roadmap for wider technical policy changes.

22. The consultation will close on 11 October 2018. Responses to this consultation will be analysed and a Government response will follow.

How to respond

Question 1	Respondent details
Name	
Position (if applicable)	
Organisation (if applicable)	
Address (including postcode)	
Email address	
Telephone number	
Please state whether you are responding on behalf of yourself or the organisation stated above	

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	
• Building Occupier/ Resident	
• Tenant representative organisation	
• Other interested party (please specify)	

Question 3	Yes/No/Don't Know
a) Do you agree that the volumes of ADB should be split between dwellings and non-dwellings?	
b) If no, how else should they be split?	[Free text answer]

Question 4	Yes/No/Don't Know
a) Do you agree that flats should be included in the same volume of ADB as dwellings?	
b) If no, please give a reason for your answer.	

Question 5	Yes/No/Don't Know
a) Do you think there are sections of guidance where the amendments have gone beyond providing clarification?	
b) If yes, please tell us where and the reason for your answer.	[Free text answer]

Question 6	Yes/No/Don't Know
a) Is the signposting to standards and other documents clear in ADB?	
b) If no, please tell us how you think it could be presented in a clearer manner.	

Question 7	Yes/No/Don't Know
a) Do you think there is any guidance in ADB which should be in an industry standard instead?	
b) If yes, please tell us which sections/s and the reason for your answer?	

Question 8	Yes/No/Don't Know
a) Does the "Assessment of Impact" in Appendix B provide a proportionate presentation of the likely impacts of the proposed change?	
b) Please provide any additional evidence you may have available on the impact of the proposed change.	

Annex A

Please use the table format below to feedback drafting comments on ADB.

Question 1	Respondent details
Name	
Position (if applicable)	
Organisation (if applicable)	
Address (including postcode)	
Email address	
Telephone number	
Please state whether you are responding on behalf of yourself or the organisation stated above	

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	
• Building Occupier/ Resident	
• Tenant representative organisation	
• Other interested party (please specify)	

Instructions for completing the table:

Please provide all information requested in the table below and ensure that you clearly specify the following:

- The specific Approved Document B Volume number you are referring to (Volume 1 or Volume 2);
- The specific section and subsection you are referring to (e.g. section 2.5);
- The specific paragraph (e.g. 2.5(a)(i)) and if applicable the specific diagram, table, note or appendix you are referring to;
- Please ensure you clearly detail your justification for change in the comment box; and
- Please clearly detail your proposed amendment in the proposed change box.

No.	Volume number (1 or 2)	Section & subsection	Paragraph/Diagram/Table /Note/Appendix	Comment (justification for change)	Proposed change
<i>Example 1</i>	<i>1</i>	<i>2.5</i>	<i>Paragraph 2.5(a)(i) Diagram 2.2a</i>	<i>(free text)</i>	<i>(free text)</i>
1.					
2.					
3.					
4.					

5.						
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Appendix B: Assessment of Impact

Summary

This analysis assesses the impact of the proposed clarifications of Approved Document B against a 'Do nothing' option of no change to the current document. Approved Document B provides guidance on how to comply with part B of Schedule 1 of Building Regulations which deals with fire safety.

The proposed changes should provide greater clarity regarding routes to compliance and reduce the risks of misinterpretation by people carrying out the work or by building control bodies. This should improve compliance. It could also reduce the time spent dealing with uncertainty in the interpretation of guidance and so result in a modest saving to business.

The analysis concludes that there will be a one-off transition cost as the industry familiarises itself with the changes of £12.9m. There will then be a present value cost saving over the ten year appraisal period of £20.2m because of the clarification which gives an equivalent annual net saving of £2.4m.

Problem under consideration, Policy options and objective

The objective of the policy is to reduce misinterpretations of the guidance in Approved Document B, therefore reducing the risk of lower compliance with the Building Regulations especially when constructing high-rise residential buildings or undertaking material alterations. By reducing confusion and uncertainty, compliance should be improved.

Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety's interim report recommended clarifying the language in Approved Document B¹.

Option One – Do nothing

Under this option the current wording would not change and it would not address the concerns raised in the Hackitt Review to consider presentational changes which will improve the clarity of Approved Document B.

Option Two – Clarify Approved Document B

We propose changes to Approved Document B to clarify the text without changing the underlying requirements. Proposed clarifications include using plain English, reduced cross referencing and a single system of classification for fire performance reducing cross referencing changing the structure of the document to make it more logical.

This should reduce the risk of confusion in routes to compliance with the building regulations. Clearer guidance should also reduce on-site delays and mistakes arising from confusion of the current guidance.

There will be a one-off transition cost as those who work with Approved Document B familiarise themselves with the proposed changes.

¹ <https://www.gov.uk/government/publications/independent-review-of-building-regulations-and-fire-safety-interim-report>. Para 1.63.
<https://www.gov.uk/government/publications/independent-review-of-building-regulations-and-fire-safety-final-report> Para 6.26.

Costs and Benefits of each option

MHCLG has worked with economic consultants² to estimate the time spent in ensuring the compliance with Part B of the Building Regulations. This includes routes to compliance suggested in Approved Document B.

Costs Option One: Do Nothing

The analysis has estimated the number of people using Approved Document B, their per hour wage, the time they spend on resolving uncertainty or disagreements and the cost of this time in total each year. The highest cost occupations include architects, building inspectors, production managers and directors in construction, project managers and related construction professionals and fire officers.

Over ten years, the present value of discounted costs estimated to total **£221.5 million**. These costs are discounted at the Green Book discount rate of 3.5% over 10 years.

Costs Option Two: Proposed Clarifications

On-going costs for option two have been calculated in the same way as option one. However, it is estimated that less time will be spent on resolving uncertainty or disagreements. For example each architect is estimated to spend, in 2021, 6.1 hours on clarifications per year compared with 7.2 hours in option one. Over ten years, the ongoing present value discounted costs are estimated to total **£188.3m**. This gives a reduction cost for option two relative to option one of **£33.2m**.

However, option two will also have some transition costs for the first year, as people familiarise themselves with the new clarified documents. The largest transition costs are estimated to be incurred by construction project managers and related professionals, architects, chartered surveyors and building operators. The total transition cost is estimated as **£12.9m**.

This results in an overall present value cost saving of **£20.3m**. The equivalent annual net cost of option two over option one is therefore **£2.4m**.

Benefits

The main benefit of clarified guidance is a reduction in the rate of non-compliance with Building Regulations. This will reduce the risk that buildings will not meet the functional requirements in Part B and hence improve fire safety, which has not been monetised. Reducing the rate of non-compliance will reduce delays and additional costs which are due to correcting mistakes which were caused by a misunderstanding of Approved Document B. This is monetised above as a reduced cost.

Further work on assessing the costs and benefits will be undertaken during the consultation period and a detailed final impact assessment, based on this work and information we receive from consultation responses will be produced to inform our final policy decision.

² Adroit Economics Consortium

Risks and Assumptions

Estimates have been made, based on initial feedback from business, about the number of people in each profession who use Approved Document B, the time taken to ensure compliance with the functional requirements in each option and familiarisation time taken. The Price Base Year and the Present Value Base Year are both 2018. The discount rate is 3.5% over 10 years, in line with the Green Book guidance.

Summary Table

	Present value costs (10 years)		
	Option 1	Option 2	
On-going costs	£221.5m	£188.3m	
transition costs	-	£12.9m	
total costs	£221.5m	£201.2m	
	Equivalent annual cost		
Annual cost	£25.7m	£23.4m	
Annual net cost			-£2.4m

Source: Adroit Economics Consortium.

Annex C

Personal data

The following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018. Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gsi.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation. There is a statutory requirement in the Building Act to consult on substantive changes to the building regulations.

4. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation.

5. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

6. The Data you provide directly will be stored by Survey Monkey on their servers in the United States. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this.

7. Your personal data will not be used for any automated decision making.

8. We use a third party provider (Survey Monkey) to gather data. Once the consultation has closed, your data will be moved to a secure government IT system.

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).