

MAYOR OF LONDON

Rt Hon James Brokenshire MP

Secretary of State for Housing, Communities and Local
Government
Ministry of Housing, Communities and Local Government
4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Date: 25 May 2018

Dear James,

Mayor of London's response to the Ministry of Housing, Communities and Local Government consultation on assessments in lieu of tests in Approved Document B (fire safety)

I welcome the opportunity to respond to the consultation on the amendments to statutory guidance on assessments in lieu of tests (desktop studies) in Approved Document B (fire safety). I would like to express my serious concerns about the proposed amendments set out in the consultation. I do not consider these amendments to fulfil the recommendations from Dame Judith Hackitt's interim report and, taken together with continuing uncertainty about the effectiveness of the current building control system, I feel that assessments in lieu of tests should no longer be an acceptable route to compliance for cladding systems in England.

The fire at Grenfell Tower on 14 June 2017 resulted in the tragic loss of 72 lives, devastating the community of north Kensington. As the bereaved, survivors and residents seek justice and attempt to rebuild their lives, they need assurance that lessons will be learnt and an incident like this will never happen again.

I am currently drawing together a formal response to the final Independent Review of Building Regulations and Fire safety published recently. I was deeply shocked that Dame Judith did not recommend a ban on the use of combustible cladding in tall buildings. Alongside a ban on desktop studies, I urge you to consult swiftly and heed the calls from the Grenfell community and others to prohibit the use of combustibles on high-rise blocks.

I welcomed Dame Judith's interim report released in December 2017, in particular the recommendation that "Government should significantly restrict the use of desktop studies". Given your claim that the proposals set out in this consultation deliver on this recommendation, I was surprised and disappointed to read that your own impact assessment predicts that your proposed changes would lead to a 30 per cent *increase* in the use of desktop studies (para. 33, Annex B). By your own admission, this is a clear failure to meet Dame Judith's recommendation.

Prior to June 2017, desktop studies were an established tool for testing building materials. Given the tragedy at Grenfell Tower and the ensuing contagion of remediation works needed to remove cladding on tower blocks, their use undermines public confidence in high rise buildings. Despite your consultation inviting views on a complete ban on desktop studies, I note this option has not been explored in the impact assessment in Annex B. This suggests that you are not giving this option the full consideration it deserves.

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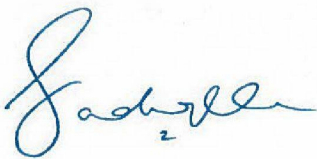
Desktop studies lack the rigour provided through a BS8414 full scale test of the cladding system. Performance under a desktop study route is appraised based on the extrapolation of individual component testing to the whole system. There is currently no control over how far a cladding system can differ from an original test before the desktop study is considered inaccurate. This increases the risk that untested, dangerous materials will be used on high rise buildings. Furthermore, the lack of oversight of the competence and qualifications of those carrying out desktop studies significantly lessens the likelihood that they are being carried out to a high professional standard. Given your consultation has alluded to but failed to provide any detailed solutions to these weaknesses, I believe that desktop studies cannot substitute for a full-scale test of the cladding system as it would be installed on a building.

Industry's calls to protect the use of desktop studies should not win out against the need to raise the standard of building materials across the sector. One manufacturer has defended their use on the basis that there is not enough capacity within the testing industry to carry out full scale tests. I accept that testing capacity poses a significant challenge in the short term and may increase the time needed for testing. I am aware that some social landlords seeking confidence in their choice of cladding to replace ACM have needed to use testing sites outside of the UK. Whilst this is a concern for the immediate future, it is Government's role to set rules which prioritise the safety of residents. Industry can then reconfigure itself to provide increased capacity for full-scale tests, in response to a new regulatory landscape. Cost is also likely to be an important factor for manufacturers, with BS8414 tests costing as much as ten times the price of a desktop study.

Even with these two justifications, the overall cost-benefit analysis in favour of desktop studies is far from clear. The disadvantages of less rigorous testing and the erosion of resident confidence in tall buildings far outweigh the potential advantages for industry in terms of cost and testing capacity. It is in the interests of the construction industry that the public has confidence in high rise living and every step should be taken to restore this confidence.

In summary, it is clear to me that desktop studies are likely to be a less rigorous way of appraising fire safety of cladding systems than full-scale testing of a whole system. Consequently, and particularly in light of recent events, their use must be strictly regulated. By your own admission in the impact assessment to this consultation, your proposals would fail to significantly restrict the use of desktop studies. In the absence of a compelling justification for their role or any evidence that your department is willing to set strict parameters around their use, I support a total ban on the use of assessments in lieu of tests for cladding systems.

Yours sincerely,



Sadiq Khan
Mayor of London

Cc: Jo Johnson MP, Minister for London
Rt Hon Gavin Barwell, Chief of Staff, 10 Downing Street