

MAYOR OF LONDON

Rt Hon James Brokenshire MP

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

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I welcome the opportunity to respond to the consultation on banning the use of combustible materials.

I want to make clear my strong support for a ban. Contrary to the proposals in this consultation, the Building Regulations should be amended to apply to all buildings regardless of height or use. A total ban will ensure this policy is comprehensive, clear and easy to implement, and provide a strong regulatory basis for a supply chain shift away from the use of combustibles.

Over a year on from the tragedy at Grenfell, it has already taken far too long for the Government to take the concerted action that is needed to ensure that people have confidence in the safety of their homes, particularly for high-rise blocks. Following summer recess, legislation must come forward as a priority so that the ban can be implemented swiftly and comprehensively.

Although I support this ban, it must not come at the expense of much needed action in other areas. Delivering wider reforms to the Building Regulations, of the kind recommended by Dame Judith Hackitt's review, will require detailed implementation plans and legislation. While ensuring that new buildings do not have combustible materials on their external walls is an important step, this measure alone fails to address the weaknesses in the existing stock of buildings in London and beyond.

This ban will be meaningless for the majority of Londoners unless steps are taken to remove combustible materials from existing buildings as well. I acknowledge that this could not be achieved using the Building Regulations, and I urge you to take the steps needed to compel building owners to comply with this ban retrospectively. If necessary, funding should be provided from the Government for this purpose.

To achieve this, you should expand the testing and remediation programme your Department has been carrying out over the past year. To date, this programme has focused solely on aluminium composite material (ACM) cladding, rather than a broader assessment based on combustibility and safety of cladding systems. The opportunity to identify dangerous materials and take action must not be missed.

MAYOR OF LONDON

My response to the detailed consultation proposals are contained within an annex to this letter. In conclusion, I welcome a ban as a first step towards the much needed more ambitious reform of regulations governing building safety across London and the rest of England.

Yours sincerely,



Sadiq Khan
Mayor of London

Att.

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

MAYOR OF LONDON

Annex 1: Greater London Authority (GLA) response to MGCLG consultation on the proposed ban of combustible materials in the external walls of high-rise residential buildings

This response outlines the GLA's position on relevant questions in the consultation.

Question 3 – Overview

- Do you agree that combustible materials in cladding systems should be banned?
- Should the ban be implemented through changes to the law?
- If not, how else could the ban be achieved?

The Mayor supports a ban on the use of combustible materials on the external walls of all buildings. Of the existing routes to compliance for external wall systems, ensuring each component has a European fire resistance classification of A1 or A2 is the lowest risk option. The remaining routes, desktop studies and the full BS814 test of the cladding system, are both flawed. Desktop studies are an unregulated testing method based on predictions of how materials will behave when combined in a fire. Although vastly preferable to desktop studies, the full-scale BS814 has also been criticised for failing to replicate how the cladding panel would be installed in a real-world situation. Given these criticisms, alongside Dame Judith's conclusion that the use of non-combustible materials is undoubtedly the lowest risk option for a cladding system, anything other than A1 or A2 materials should be subject to the proposed ban.

The ban should be implemented through an amendment to the Building Regulations, achieved through legislation. The proposed sanctions, prosecution in the Magistrates Court and an unlimited fine, are appropriate. Additional steps beyond amending the Building Regulations will be needed to apply the ban to existing buildings (please see Question 8).

Question 4 – Buildings in scope of the ban

- Do you agree that the ban should apply:
 - to buildings 18m or over in height?
 - throughout the entire height of the wall, i.e., both below and above 18m?
 - to high-rise residential buildings only?
 - to all high-rise, non-residential buildings e.g., offices and other buildings, as well as residential buildings?

For clarity and ease of implementation, the ban should apply to all buildings regardless of height or use. The cost estimate set out in this consultation of £25,000 - £75,000 for a 15-storey building is not prohibitively high. The additional cost for a developer is worthwhile in order to close loopholes and ensure the ban is implemented comprehensively.

Question 5 – Definition of combustibility

- Do you agree that the European classification system should be used and do you consider that class A2 or better is the correct classification for materials to be used in wall construction?
- If no, what class should be allowed in wall construction and why?

A1 and A2 European classifications should be used. Ensuring that all components on the external walls of buildings will make no or no significant contribution to fire growth is the correct measure. The confusion over UK classifications and European classifications should be eradicated with a move to consistent use of the European system.

MAYOR OF LONDON

Question 6 – Defining the scope of a ban on “cladding”

- Do you agree that a ban should cover the entire wall construction?
If no, what aspects of the wall should it cover?
- Should a ban also cover window spandrels, balconies, brise soleil?

To ensure the highest standards of fire safety are achieved the ban must be as comprehensive as possible. It should cover more than just the surface of a wall and any insulation materials. Instead, the ban should include the entire wall construction from the internal face of the wall through to its external face. This should include balconies, spandrels, brise soleil and any other attachment to the external face of the building.

Question 8 – Existing buildings and transitional arrangements

- Do you agree that
 - A risk-based approach is appropriate for existing buildings?
 - The ban should apply to proposed alterations to existing buildings including over-cladding?
 - The ban should extend to projects that have been notified before the ban takes effect but work has not begun on site?
 - The ban should not affect projects where building work has already begun?

The ban should apply to all building work as defined by the Building Regulations 2010, proposed alterations including over-cladding, and forthcoming buildings which have not yet started on site when the ban commences.

Allowing combustible materials to remain on existing buildings is unacceptable. A “risk-based approach” effectively allows building owners to use their discretion when considering whether to replace combustible materials. While applying this ban to existing buildings is a much more complicated task than amending the Building Regulations, and would involve much greater financial implications for building owners, this option has been ruled out too quickly. Restoring confidence in high-rise living will only be achieved when those buildings are captured by the building safety measures emerging post-Grenfell. If the Government only implements changes for new build stock, London and other cities will end up with a two-tier system of building safety with the vast majority of residents occupying a lower standard of building. As well as amending the Building Regulations, the Government must ensure that combustible materials are removed from existing high-rise buildings and those with high-risk occupants, such as sheltered housing or schools.