



Ministry of Housing,
Communities &
Local Government

Review of the ban on the use of combustible materials in and on the external walls of buildings including attachments

A technical consultation paper.



© Crown copyright, 2020

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

This document/publication is also available on our website at www.gov.uk/mhclg

If you have any enquiries regarding this document/publication, complete the form at <http://forms.communities.gov.uk/> or write to us at:

Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/mhclg>

January 2020

Contents

Scope of the consultation	4
Basic Information	4
Summary of Proposals	6
1 Introduction	7
2 Background	7
3 Review of the Ban	8
4 Buildings in Scope of the Ban	9
5 Metal Composite Materials	11
6 Attachments	12
7 Exemptions	13
8 Performance Requirements	18
9 Assessment of Impacts	19
10 Next Steps	20
11 Questions	20
About this consultation	25
Annex A	26

Scope of the consultation

Topic of this consultation:	This consultation seeks views on the ban of the use of combustible materials in and on external walls of buildings, including building types covered, height threshold, list of exemptions, attachments such as blinds, shutters and awnings, and a proposal to specifically ban the use of metal composite panels in and on the external walls of all buildings.
Scope of this consultation:	Building Regulations.
Geographical scope:	These proposals relate to England only.
Impact Assessment:	Consultation stage analysis is included in this consultation. Further work will be carried out in advance of a decision following consultation. Changes to the analysis may be made based on responses received.

Basic Information

To:	This consultation is pursuant to s.14(3) of the Building Act 1984 and is also a full public consultation.
Body/bodies responsible for the consultation:	Ministry of Housing, Communities and Local Government (MHCLG)
Duration:	This consultation will run from the 20 th January 2020 until 25 th May 2020 at 23:45.
Enquiries:	For any enquiries about the consultation please contact ADBconsultation@communities.gov.uk
How to respond:	<p>We encourage you to respond by completing an online survey at: https://www.surveymonkey.co.uk/r/CombustibleBan</p> <p>Alternatively, you can email your response to the questions in this consultation to: ADBconsultation@communities.gov.uk</p> <p>If you are responding in writing, please make it clear which questions you are responding to.</p> <p>Written responses should be sent to:</p> <p>Building Safety Programme Ministry of Housing Communities and Local Government 4th Floor Fry Building</p>

2 Marsham Street
London SW1P 4DF

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of organisation (if applicable),
- an address (including post-code),
- an email address, and
- a contact telephone number

Summary of Proposals

This consultation proposes changes to requirements of the Building Regulations which in-effect ban the use of combustible materials in and on the external walls of certain buildings and in specified attachments to the external walls. This consultation seeks views and supporting evidence on the proposals below, with more detail and reasoning for each proposal set out in the referenced sections:

Changing the Building Types Covered by the Ban

In [section 4.1](#) we propose including hotels, hostels and boarding houses within the scope of the ban.

Changing the Height Threshold of the Ban

In [section 4.2](#) we propose lowering the height threshold of the ban, in Regulation 7(4)(a), to include buildings with a storey at least 11 metres above ground level. A large research project is also proposed that would aim to improve our understanding of building risk in relation to height and other factors, in order to support an appropriate height threshold for the ban in the future.

Ban on the Use of Metal Composite Materials with a Polyethylene Core

In [section 5](#) we propose extending the ban to all buildings, regardless of height, purpose or use, **only** in relation to the use of metal composite materials with a polyethylene core in and on external walls and in specified attachments. This would include the aluminium composite material that was used as cladding on Grenfell Tower and similar materials.

Including Solar Shading Products Within the Ban

In [section 6](#) we propose extending the ban to include solar shading products, including but not limited to blinds and shutters.

Changing the List of Exemptions

In [section 7](#) we propose several changes to the list of exemptions in Regulation 7(3) including the temporary exemption of cavity trays in all forms of construction and the extension of the exemption of waterproofing and insulation materials. This consultation seeks evidence-based views on additional exemptions, materials such as laminated glass, whether there are exemptions that should be withdrawn, and clarifications on exemptions such as roofing components.

Changing the Performance Requirements of the Ban

In [section 8](#) we propose updating the performance requirements of the ban in Regulation 6(3) and 7(2) to include reference to the updated standard BS EN 13501-1:2018 and additional classifications A1fl, and A2fl-s1.

1 Introduction

1. In December 2018 the Government introduced regulations that in-effect ban the use of combustible materials in and on the external walls of specific types of high-rise buildings as well as specified attachments.
2. Following consultation, the Building Regulations were amended to restrict the use of combustible materials in and on external walls and specified attachments to a list of materials essential for construction and without an available non-combustible alternative.
3. In the Explanatory Memorandum published alongside the Statutory Instrument (SI), the Government committed to review the effectiveness of the ban after one year¹. This is a consultation on proposed changes to the Regulations following that review and seeks input on the scope of the ban, the list of exemptions, and including additional attachments to external walls in the ban.
4. This consultation also proposes a specific ban of metal composite panels in and on the external walls of all new buildings or those undergoing a material change of use or building work as defined in Regulation (3) of the Building Regulations 2010.

2 Background

5. The Building Regulations 2010 require that external walls of buildings² adequately resist the spread of fire over the walls and from one building to another (Paragraph B4 of Schedule 1) with statutory guidance provided in Approved Document B on Fire Safety Volumes 1 and 2.
6. On 11 June 2018, during a statement on the Government's response to the Grenfell Tower fire to Parliament, the Secretary of State reaffirmed the Government's intention "*to ban the use of combustible materials on the external walls of high-rise resident buildings, subject to consultation*". A full public consultation was launched on the 18th June 2018 and concluded on 14th August 2018, receiving 460 responses³.
7. The priority was to improve public safety by removing the flexibility previously given to designers and making the route to compliance with the Building Regulations clearer.
8. Following the consultation in 2018, SI 2018/1230 was laid in parliament on the 29th November 2018 and came into force on 21st December 2018. The SI amended the Building Regulations 2010 and restricted the use of materials in an external wall

¹ <http://www.legislation.gov.uk/uksi/2018/1230/memorandum/contents>

² This requirement does not apply to exempt buildings

³ <https://www.gov.uk/government/consultations/banning-the-use-of-combustible-materials-in-the-external-walls-of-high-rise-residential-buildings>

and specified attachments to those achieving Class A2-s1, d0 or Class A1 in accordance with BS EN 13501-1:2007+A1:2009.

9. This applies to building work, as defined in Regulation (3) of the Building Regulations 2010 including erection of new buildings and material changes of use, on buildings with a storey at least 18 metres above ground level that contain one or more dwellings, an institution, or a room for residential purposes (excluding hostels, hotels, or a boarding house).
10. The amendment to the Building Regulations was introduced alongside a commitment to review the ban annually through advice from bodies such as the Building Regulations Advisory Committee (BRAC) as stated in the Explanatory Memorandum published alongside SI 2018/1230.
11. We have conducted this review, and this is a consultation on making changes to the ban including the scope of the ban, attachments covered by the ban, and the list of exemptions.
12. It is a statutory requirement under section 14(3) of the Building Act 1984 that before making any building regulations containing substantive requirements the Secretary of State must consult with the Building Regulations Advisory Committee, and other bodies as appear to him to be representative of the interests concerned.

3 Review of the Ban

13. Since the introduction of the ban, we have engaged with experts including the BRAC and industry partners to better understand views on the ban, and its impact on industry. This review included discussion on the scope of the ban, exemptions, and attachments covered by the ban.
14. In June 2019 we commissioned a study of the impact of the ban which took the form of an online survey issued in July 2019 to 100 relevant organisations, of which 34 responded. The majority of respondents report difficulties with implementation and sourcing alternative products but 65% think the ban has provided benefits, with only 18% suggesting the detriments outweigh the benefits.
15. The full analysis of responses to this survey have been published alongside this consultation.
16. Discussions with stakeholders, and the industry survey demonstrate the continued support for the ban. However, issues have been raised including the scope of the ban and the list of exempted components. The views gathered during the review have informed the proposals in this consultation.

4 Buildings in Scope of the Ban

17. Currently the ban applies to the full height of external walls of buildings with a floor at least 18 metres above ground level and that contain one or more dwellings, an institution, or a room for residential purposes (excluding hostels, hotels, or a boarding house).
18. In reviewing the ban, we sought views on the range of buildings covered and the height threshold to better understand the potential impacts of changing the scope of the ban.

4.1 Changing the building types

19. Some stakeholders, including members of the public, have called for extension of the scope of the regulations to cover additional buildings. However, this view is not universal, and stakeholders have noted that covering additional building types could have a significant impact on industry and might not result in a proportionate increase in fire safety.
20. Buildings not within the scope of the ban (for example office buildings) usually have lower risk due to their reduced occupancy overnight (i.e. no sleeping risk) and are provided with different fire safety provisions to meet the functional requirements of the Building Regulations than the ones within the scope of the ban.
21. The functional requirement in Schedule 1 Part B4 of the Building Regulations currently applies to all buildings which are subject to the Building Regulations, irrespective of the requirements of the ban. Therefore, designers must ensure that the building adequately resists fire spread over the external walls.
22. We have recently clarified the supporting guidance to Part B of the Building Regulations (Approved Document B) and are committed to a full technical review of this guidance. Given the different risks in other building types and improved guidance, we do not think that there is a need to change the scope of the ban to cover all additional building types.
23. Preliminary analysis estimates that extending the range of buildings covered would have an equivalent annual net cost to business (EANCB) of £1.3bn if it was to be extended to all buildings subject to Building Regulations regardless of height. These costs are felt by businesses that construct or refurbish relevant buildings and may be passed on to those purchasing or leasing buildings, as more expensive or technically demanding materials are required to meet the performance requirements of the ban.
24. We are aware of several recent fires in hotels that have raised concerns that hotels should fall within the scope of the ban. This concern was also raised by industry experts and stakeholders following announcement of the ban and during the review. The preliminary EANCB of expanding the scope of the ban to hotels and hostels is £280,000.

25. Hotels and hostels are often staffed overnight, can have multiple routes of escape, signage and emergency lighting to assist evacuation, and higher level of fire detection and alarm systems in comparison to residential buildings. However, there is still a sleeping risk and residents are generally less familiar with their surroundings than in their own residences.

26. We are therefore proposing to include hotels, hostels and boarding houses within the scope of the ban but would welcome evidence-based views on including these within the scope of the ban.

Question 3.

a. Do you agree that hotels, hostels and boarding houses should be included in the definition of relevant buildings in Regulation 7(4)? Please provide evidence to support your answer.

b. Should any other building types be included within the scope of the ban? Please provide details and evidence to support your answer.

4.2 Changing the height threshold

27. In light of recent fires in buildings just under 18m tall, such as The Cube in Bolton, there have been calls to lower the height threshold of the ban.

28. Some stakeholders suggested in their responses to a Call for Evidence that 11m is the accepted limit of traditional external fire-fighting techniques⁴. However, we are not aware of any comprehensive research that supports this. An 11m threshold is currently used in Scotland for more stringent provisions on external wall construction, although not an outright ban.

29. The EANCB of reducing the height threshold to 11m is £64.5m (£66.5m if hotels and hostels were included). This rises to £1.2bn if the height threshold in Regulation 7(4) is removed entirely. As a result of the additional demand for non-combustible materials, any change to the height threshold is also likely to impact on supply chains and sequencing of new building projects. We consider that to limit the ongoing impact of the ban to industry, the height threshold should be further reviewed to apply appropriate (potentially different) height thresholds in the different building types covered by the ban.

30. During the review, it was also noted by industry stakeholders that in their view there was insufficient evidence to support a height threshold of 18m or lower and that the choice of height threshold should be supported by evidence.

31. We consider that buildings with a residential use between 11-18m may be subject to similar levels of fire risk to many of those taller than 18m. However, there is no robust scientific evidence that we are aware of to fully support this. We consider that in the absence of this evidence, the option that best provides public protection is to

⁴ <https://www.gov.uk/government/consultations/technical-review-of-approved-document-b-of-the-building-regulations-a-call-for-evidence>

reduce the height threshold to 11m now, and commission research to allow further review of the height threshold. However, we would welcome evidence-based views on reducing the height threshold of the ban further.

32. We have recently published a Call for Evidence to inform research on a broader understanding of building risk⁵.
33. The evidence base gathered from this consultation and the proposed research can then be used to inform further changes to the height threshold of the ban, which will require further consultation.
34. If the scope of the ban was changed in line with the proposals regarding building types and the height threshold, the ban would continue to apply only to new buildings, those undergoing a material change of use, and other building work as defined in the Building Regulations. The ban does not apply to existing buildings where no work is being carried out. In these instances, we consider that a case by case risk-based approach to fire safety is most appropriate, in line with the advice already issued by MHCLG and the Independent Expert Panel, and as proposed by Dame Judith Hackitt in her independent review⁶.

Question 4.

- a. Do you agree that the height threshold of the ban should be reduced to at least 11m and above?**
- b. Is there another lower height threshold that should be considered? Please provide evidence**
- c. Do you agree an appropriate research project regarding building risk should be carried out to inform further review the scope of the ban?**
- d. Please suggest the type of evidence you consider should be included in further review of the height threshold of the ban.**
- e. Please provide any evidence you believe should be considered in further review of the height threshold of the ban.**

5 Metal Composite Materials

35. We have commissioned research into the fire risk of various cladding materials, including the aluminium composite material (ACM) with a polyethylene core that was used on Grenfell Tower. The results of this research indicate that products with a polyethylene core are by far the most hazardous cladding materials, of those tested.

⁵ <https://www.gov.uk/government/consultations/fire-safety-risk-prioritisation-in-existing-buildings-a-call-for-evidence>

⁶ <https://www.gov.uk/government/publications/independent-review-of-building-regulations-and-fire-safety-final-report>

36. We consider that the use of polyethylene-cored products as cladding materials poses such a significant fire risk that an outright ban of their use on any buildings, regardless of **height or purpose**, is justified.
37. In New South Wales, Australia, the use of ACM cladding (with a core comprised of 30% or more polyethylene by mass) has been banned (effective 15 August 2018) in various building types. However, there are exceptions if the product is deemed non-combustible in accordance with Australian Standard 1530.1 or the proposed external wall construction can pass a test for external wall fire spread and building to building fire spread in accordance with Australian Standard 5113 (which determines performance criteria for a product tested to BS 8414 or ISO 13785-2).
38. Our proposed definition of materials to be banned is: “*metal composite panels with a core comprised of greater than 30 percent polyethylene by mass*”. We are asking for evidence-based views on this. We are proposing this definition encompasses panels with outer sheets of other metals such as zinc and copper, following expert advice that these components are likely to be similarly hazardous.

Question 5.

- a. **Do you agree that metal composite panels with a polyethylene core should be banned from being used in external wall construction of any building regardless of height or purpose?**
- b. **If no, why not? Please provide evidence to support your answer.**
- c. **If their use was to be restricted, do you agree with the proposed definition? Please provide evidence to support your answer.**

6 Attachments

39. The ban of combustible materials includes certain specified attachments to the external wall. These are required to meet the performance requirements of Regulation 6(3) and 7(2). The current specified attachments are listed in Regulation 2(6)(b):
- a) “*a balcony attached to an external wall*”
 - b) “*a solar panel attached to an external wall*”
40. We are asking for evidence-based views on whether there are additional components used as attachments to external walls that should be included within the ban to meet the policy aims of reducing the risk to life from external fire spread in buildings covered by the ban.
41. Following a Judicial Review, solar shading products such as blinds, shutters, awnings, brise soleil, and similar products are not required to meet the performance requirements of Regulation 6(3) and 7(2). As a result, the definition

of specified attachments in Regulation 2(6)(b) has been modified and does not include “a device for reducing heat gain within a building by deflecting sunlight which is attached to an external wall.”

42. We recognise the importance of reducing overheating in residences and other buildings, and the contribution of solar shading products to this.
43. It is our view that solar shading, made of combustible materials, on the external walls of a building could create a path for fire spread. However, non-combustible sun shading products are currently available on the market although these tend to be non-retractable and not made from flexible materials. Therefore, in line with the application of the Building (amendment) Regulations 2018 the clearest way to ensure safety is to apply the requirements of the ban on the use of combustible materials to solar shading products attached to the external walls of relevant buildings (as defined in Regulation 7(4)).
44. Our proposed definition for solar shading products is “a device for reducing heat gain within a building by deflecting sunlight which is attached to an external wall.” We are asking for views on this definition.
45. We recognise that retractable awnings may provide benefits for commercial premises at ground level of mixed-use buildings. With this in mind, we are asking for views on exempting awnings, particularly retractable awnings over shops at ground level. We welcome views on what restrictions if any could be placed on the use of these products.

Question 6.

- a. Which components, if any, do you consider should be included in the list of specified attachments in Regulation 2(b) and why?**
- b. Do you agree with the proposed definition of solar shading products? If no, what other definition would you propose and why?**
- c. Do you agree that solar shading products need to achieve class A2-s1, d0 or A1 in line with the requirements of the Building (amendment) Regulations 2018?**
- d. Do you agree that retractable awnings fitted to the ground storey should be exempted? If yes what restrictions, if any, should be placed on these.**

7 Exemptions

46. The in-effect ban of combustible materials includes all elements of wall construction from the outer to the inner faces as well as specified attachments. However, it was agreed by 48% of respondents to the 2018 consultation that exemptions would be required (34% disagreed). The current exemptions are based

on the collation of responses provided during the consultation in 2018 and are limited to essential components for which there is not currently a Class A1 or Class A2-s1, d0 product readily available.

47. The list of exempted components in Regulation 7(3) is intentionally narrow, with the objective of limiting as far as possible the use of combustible materials in external walls and specified attachments in order to minimise the contribution of the external wall construction to fire spread. The current list of exempted components as per Regulation 7(3) is as follows.

- a) *“Cavity trays when used between two leaves of masonry;*
- b) *Any part of a roof (other than any part of a roof which falls within paragraph (iv) of regulations 2(6)) if that part is connected to an external wall;*
- c) *Door frames and doors;*
- d) *Electrical installations;*
- e) *Insulation and water proofing materials used below ground level;*
- f) *Intumescent and fire stopping materials where the inclusion of materials is necessary to meet the requirements of Part B of Schedule 1 of the Building Regulations;*
- g) *Membranes;*
- h) *Seals, gaskets, fixings, sealants and backer rods;*
- i) *Thermal break materials where the inclusion of the material is necessary to meet the thermal bridging requirements of Part L of Schedule 1 of the Building Regulations; or*
- j) *Window frames and glass.”*

48. This consultation includes proposals to amend the list of components exempted above as set out in paragraphs 54-68. This follows review and engagement with various stakeholders who have identified issues created by the current list of exemptions.

49. Following the review detailed above, we consider that the list of exemptions should be (a) amended to remove components for which alternative non-combustible products become available and (b) amended to include components not already on the list, but which are identified as essential for external wall construction and the ban of the use of which is creating significant issues for building projects in terms of cost and sequencing.

50. We are therefore seeking input through this consultation on whether there are any components that could be removed or added to the exemption list. Only 26.5% of those industry stakeholders surveyed in summer 2019 believed some exemptions should be withdrawn.

51. Industry engagement has highlighted several non-exempt components of an external wall that are thought by stakeholders to contribute minimally to the spread of any potential fire and the ban on their use has created a significant burden on industry. The survey of industry stakeholders reported that 79.5% of respondents believe alternative products are hard to find with 52.9% reporting that the ban was impacting delivery times of new projects.

52. We are aware of industry issues with products currently subject to the ban such as boiler flues that have a plastic inner lining, and concerns with the use of paint on masonry walls which is often applied on site making the thickness of paint applied difficult to control. Some buildings require regular application of paint to preserve the integrity of the external walls. However, we are aware of a concern over the fire risk posed by multi-layered paint that does not meet the performance requirements of Regulation 6(3) and 7(2). We are seeking evidence-based views on issues such as these in Question 7.

53. The aim of the ban on combustible materials was to provide clarity to designers by removing the flexibility available to the construction industry. This was done to reduce potential risk to life from fire in new buildings covered by the ban.

Question 7.

- a. Which components, if any, do you consider should no longer be included in the list of exemptions in Regulation 7(3) and why?**
- b. Which additional components, if any, should be included on the list of exemptions in Regulation 7(3) and why?**

7.1 Cavity Trays

54. Cavity trays are an essential internal component of an external wall for controlling damp. They achieve this by capturing and removing moisture via weep holes. Currently, only cavity trays used in an external wall constructed of two leaves of masonry are exempted from the performance requirements of Regulation 6(3) and 7(2). External cavity walls are often constructed with an internal leaf that is not masonry. In high-rise buildings, this is often a steel frame.

55. We are told by industry stakeholders the ban on the use of combustible cavity trays in external walls with one non-masonry leaf has created some challenges; as builders are being required to cut and shape products on-site instead of being able to purchase a proprietary product and having to source material, such as stainless steel. The use of stainless steel (instead of plastic) cavity trays impacts on durability and practicality when used for curved walls or corners.

56. We are aware of only one compliant non-combustible product currently available. However, there are issues with the installation and longevity of the currently available alternative solution. Permanently removing cavity trays from the list of exempted components would undermine the policy aims and the development of compliant products.

57. We are proposing a temporary 18-month relaxation for cavity trays (not achieving Class A1 or A2-s1,d0) in all forms of external wall construction in relevant buildings that would be directed by the Secretary of State under section 11(1) of the Building Act 1984. This could be done unconditionally or conditionally. We consider this 18-month relaxation would give industry sufficient time to bring additional reliable compliant products to market, and for industry to adapt to their use.

Question 8.

- a. Do you agree that cavity trays should, by temporary relaxation for 18 months, be exempted from the requirements of Regulation 6(3) and 7(2)?**
- b. If yes, what if any conditions should be imposed on their use?**

7.2 Laminated Glass

58. Laminated glass is made from two layers of glass with an organic vinyl interlayer up to 3mm thick used to bind the glass layers together. Glass (including laminated glass) is currently exempt from Regulations 6(3) and 7(2) but only when included within a window frame. However, for aesthetic reasons laminated glass is often used in the construction of balconies.

59. The ban on the use of laminated glass in balconies was raised in the review by industry stakeholders. We understand from manufacturers that there is currently no laminated glass available, for external use, able to achieve the appropriate classification (i.e. class A1 or A2-s1, d0) because of the interlayer.

60. The use of monolithic toughened glass in balconies does not follow industry guidance as it may create other safety issue when it breaks. There are other ways to design balconies without using glass, using materials able to achieve the required reaction to fire classification.

61. There is currently only limited scientific evidence to determine the risk posed by the use of laminated glass in balconies.

62. As part of the ongoing wider technical review of Approved Document B we intend to commission research on the use of laminated glass in the external faces of buildings to better understand its contribution to fire spread and overall risk. To this end, we propose to gather evidence on the fire risk of glass balustrades before considering whether to exempt laminated glass in balconies.

Question 9.

- a. Do you agree that laminated glass in balcony construction should continue to have to achieve A2-s1, d0 classification or A1?**
- b. Please provide evidence to support your answer where possible and discuss specific materials or products.**

7.3 Roof components

63. The design of the junction between an external wall and a roof often requires that membranes used in the roof construction extend into the external wall with the aim of inhibiting the entry of water.
64. Membranes used as part of an external wall are exempted components listed in Regulation 7(3). Approved Document B recommends that membranes used as part of the external wall construction achieve a B-s3, d0 classification.
65. Roofs pitched at an angle of less than 70 degrees to the horizontal are not included in the definition of an external wall (see Regulation 2(6)(a)(iv)). Roofs pitched at an angle of more than 70 degrees to the horizontal are only part of the external wall where that part of the roof adjoins a space to which people have access (except where access is only for carrying out repairs and/or maintenance). Roof parts (unless included within Regulation 2(6)(iv)) are also listed exemptions in Regulation 7(3)(b) where connected to an external wall.
66. However, following the targeted survey and discussions with industry experts there appears to be some uncertainty around the continuation of membranes used in a roof system when it is continued to the external wall. We would welcome views on whether additional clarification in the Approved Document B is required for these components and similar.

Question 10.

- a. Do you agree that additional clarification in Approved Document B, that roofing membranes are not required to achieve A2-s1, d0 classification or higher when used as part of a roof connecting to an external wall, is not required?**
- b. If no, please provide an explanation with evidence to support your answer where possible and discuss specific materials or products.**

7.4 Materials Below Ground Level

67. Water proofing and insulation materials used in external wall construction below ground level are exempt from the requirements of Regulation 6(3) and 7(2). This is because these products also need to be water resistant. The review raised a practical issue where there is a need for these materials to be continued above ground to prevent moisture penetrating the external walls, which could lead to issues with water ingress and damp.

68. We are asking for views on amending the current exemption in Regulation 7(3)(e) for water proofing materials and insulation to include material used below and up to 250mm above ground level, which is thought to be in-line with typical requirements. This would likely have no impact on the fire risk and avoid other issues for people within their homes.

Question 11.

- a. Do you agree with the proposal of expanding the exemption of the use of water proofing and insulation material from below ground level to up to 250mm above ground level?**
- b. If yes, what other conditions should be imposed on their use if any?**

8 Performance Requirements

8.1 Floor Testing

69. The A2 and A1 classifications apply to materials tested vertically as a wall. There are alternative classifications Class A2fl-s1 and A1fl that are available for materials tested horizontally as a floor. Several products used for balcony floors are currently only tested to A2fl-s1 or A1fl classification and as such do not meet the requirements of Regulation 6(3) and 7(2).

70. The classification A2fl-s1 and A1fl require materials to achieve similar stringent requirements as Class A2-s1, d0 or A1. Class A2fl-s1 and A1fl materials need to achieve similar performance when tested in the tube furnace (BS EN ISO 1182) or bomb calorimeter tests (BS EN ISO 1716). However, materials achieving these classifications also need to be tested in a horizontal position (BS EN ISO 9239-1) rather than vertically (BS EN 13823).

71. We propose expanding Regulations 6(3) and 7(2) to permit the use of materials achieving the Class A2fl-s1 or A1fl as part of the performance requirement for inclusion in specified attachments when used horizontally.

Question 12.

- a. Do you agree with the proposed expansion of classifications required for materials used horizontally to include Class A2fl-s1 and Class A1fl?**
- b. If no, please explain why and provide evidence where possible.**

8.2 Update of BS EN 13501-1

72. The standard referred to in Regulation 6(3) and 7(2) has been superseded and withdrawn. An updated version, BS EN 13501-1:2018, was published in January 2019 by the British Standards Institution.

73. The updated version of the document does not impact classification A1 and A2-s1, d0. The main update of the document relates to classification F which is not used in the building regulations.

74. We are asking for views on amending the Building Regulations to reference the updated version of the standard to ensure that the most recent version of the British Standard is referenced in the regulations.

Question 13.

- a. Do you agree that Regulations 7(2) and 6(3) should be amended to reference the current BS EN 13501-1 standard?**
- b. If not, please explain why.**

9 Assessment of Impacts

75. Changes to the ban could have a number of impacts which should be considered. These include the costs involved in meeting the required standard of combustibility in relation to the benefits of compliance. Any additional evidence gathered through the consultation will inform an impact assessment published after conclusion of the consultation.

76. A further assessment of impacts will be made following consideration of consultation responses and alongside the development of any requirements.

Question 14.

- a. Please provide any additional evidence on costs, risks and benefits which should be considered in an assessment of impacts of this consultation.
- b. Are you aware of any particular equalities impacts for these proposals? How could any adverse impact be reduced and are there any ways we could better advance equality of opportunity or foster good relations between people who share a protected characteristic and those who do not? Please provide evidence to support your response.

10 Next Steps

77. The consultation will close on **13th April 2020 at 23:45**. Responses to this consultation will be analysed and a Government response will follow.

11 Questions

Respondent Details

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	
• Trade Association / Trade Body	
• Other interested party (please specify)	

Question 3	Yes/No/Don't Know
Do you agree that hotels, hostels and boarding houses should be included in the definition of relevant buildings in Regulation 7(4)?	
	Free Text Answer
Please provide evidence to support your answer.	
	Yes/No/Don't Know
Should any other building types be included within the scope of the ban?	
	Free Text Answer
Please provide details and evidence to support your answer.	

Question 4	Yes/No/Don't Know
Do you agree that the height threshold of the ban should be reduced to at least 11m and above?	
	Free Text Answer
Is there another lower height threshold that should be considered? Please provide evidence.	
	Yes/No/Don't Know
Do you agree that an appropriate research project regarding building risk should be carried out to inform further review of the scope of the ban?	
	Free Text Answer
Please suggest the type of evidence you consider should be included in further review of the height threshold of the ban.	
Please provide any evidence you believe should be considered in further review of the height threshold of the ban.	

Question 5	Yes/No/Don't Know
Do you agree that metal composite panels with a polyethylene core should be banned from being used in external wall construction of any building regardless of height or purpose?	
	Free Text Answer
If no, why not?	
	Yes/No/Don't Know
If their use was to be restricted, do you agree with the proposed definition?	
	Free Text Answer
Please provide evidence to support your answer.	

Question 6	Free Text Answer
Which components, if any, do you consider should be included in the list of specified attachments in Regulation 2(b) and why?	
	Yes/No/Don't Know
Do you agree with the proposed definition of solar shading products?	
	Free Text Answer
If no, what other definition would you propose and why?	
	Yes/No/Don't Know
Do you agree that solar shading products need to achieve class A2-s1, d0 or A1 in line with the requirements of the Building (amendment) Regulations 2018?	
Do you agree that retractable awnings fitted to the ground storey should be exempted?	
	Free Text Answer
If yes what restrictions, if any, may be placed on these.	

Question 7	Free Text Answer
Which components, if any, do you consider should no longer be included in the list of exemptions in Regulation 7(3) and why?	
Which additional components, if any, should be included on the list of exemptions in Regulation 7(3) and why?	

Question 8	Yes/No/Don't Know
-------------------	--------------------------

Do you agree that cavity trays should, by temporary relaxation for 18 months, be exempted from the requirements of Regulation 6(3) and 7(2)?	
	Free Text Answer
If yes, what if any conditions should be imposed on their use?	

Question 9	Yes/No/Don't Know
Do you agree that laminated glass in balcony construction should continue to have to achieve A2-s1, d0 classification or A1?	
	Free Text Answer
Please provide evidence to support your answer where possible and discuss specific materials or products.	

Question 10	Yes/No/Don't Know
Do you agree that additional clarification in Approved Document B, that roofing membranes are not required to achieve A2-s1, d0 classification or higher when used as part of a roof connecting to an external wall, is not required?	
	Free Text Answer
Please provide evidence to support your answer where possible and discuss specific materials or products.	

Question 11	Yes/No/Don't Know
Do you agree with the proposal of expanding the exemption of the use of water proofing and insulation material from below ground level to up to 250mm above ground level?	
	Free Text Answer
If yes, what other conditions should be imposed on their use if any?	

Question 12	Yes/No/Don't Know
Do you agree with the proposed expansion of classifications required for materials used horizontally to include Class A2fl-s1 and Class A1fl?	
	Free Text Answer

If no, please explain why and provide evidence where possible.	
--	--

Question 13	Yes/No/Don't Know
Do you agree that Regulations 7(2) and 6(3) should be amended to reference the current BS EN 13501-1 standard?	
	Free Text Answer
If not, please explain why?	

Question 14	Free Text Answer
Please provide any additional evidence on costs, risks and benefits which should be considered in an assessment of impacts of this consultation.	
Are you aware of any particular equalities impacts for these proposals? How could any adverse impact be reduced and are there any ways we could better advance equality of opportunity or foster good relations between people who share a protected characteristic and those who do not? Please provide evidence to support your response.	

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 data, 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 2018 (DPA), the EU General Data Protection Regulation, and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. 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 Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

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](#).

Annex A

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.