



**Ministry of Housing,  
Communities &  
Local Government**

Steve Reed MP  
House of Commons  
London  
SW1A 0AA

**Rt Hon James Brokenshire MP**  
*Secretary of State for Housing, Communities  
and Local Government*

***Ministry of Housing, Communities & Local  
Government***

Fry Building  
2 Marsham Street  
London  
SW1P 4DF

Tel: 0303 444 3450

Email: james.brokenshire@communities.gov.uk

[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

Our Ref:3938196

5 November 2018

Dear Steve,

Thank you for your letter of 18 October about combustible building materials.

I am pleased to read that you support the principle of the ban which I announced last month. We took swift and decisive action following the publication of the final report of Dame Judith Hackitt's independent review of building regulations and fire safety to deal with this issue.

The ban is being focused on buildings where the risks are greatest. It will apply to high rise residential buildings over 18 meters in height. It will also apply therefore to hospitals, residential schools, care homes and student accommodation over 18 metres in height. We are working with other Departments on the details of the implementation of the ban and we expect to publish the regulations implementing the ban later in the autumn.

We are applying an 18 metre threshold as this is consistent with existing Building Regulations' guidance. However, I also announced before the Summer Recess that the Government is starting a review of the technical requirements in the Building Regulations' guidance in Approved Document B. This will include a review of the height thresholds used in the guidance to inform the application of specific technical requirements. The next step is to publish a call for evidence for the review.

Our remediation programme is tackling the situation with existing buildings with the type of ACM cladding which will be subject to the ban. Of the 457 high-rise buildings with ACM cladding, 39 buildings have completed the process of remediation, 120 buildings have started remediation, 129 buildings have a remediation plan in place and there are 44

buildings where building owners intend to remediate and plans are being developed. We will fully fund the removal and replacement of dangerous ACM cladding on residential social housing buildings over 18m owned by councils and housing associations, with costs estimated at £400m. MHCLG has so far allocated £248m to replace cladding on 135 buildings. I have also written to all relevant private sector building owners reminding them of their responsibilities towards making their buildings safe, including reminding them that local authorities have powers to enforce these improvements if building owners do not take action. We rule out no options if industry, individual building owners or developers do not come forward with their own solutions.

Although Building Regulations only apply when building work is undertaken, those responsible for buildings must maintain the safety of the building for matters under their control under the Regulatory Reform (Fire Safety) Order and the Housing Act. We have issued a range of guidance notes to building owners, on the advice of the independent expert advisory panel, on what they need to do to make their buildings safe.

Dame Judith Hackitt's Review considered how to ensure building safety for buildings in occupation. We agree with Dame Judith that people who create the risks must be empowered to manage them and ensure buildings are safe. Her review recommends an empowered dutyholder who would be responsible for making sure that the whole building is safe. The review also proposed that the dutyholder, working with residents, would be required to understand the risks present in their building and proactively manage risks to ensure that the building remains safe throughout its life cycle. We are considering how we take forward this recommendation in practice to ensure that residents feel safe.

You also refer to the position for buildings where there may be permitted development rights. In fact, Building Regulations apply when building work is undertaken, irrespective of whether a permitted development right is in place under planning legislation. If the ban applies to a building then the presence of a permitted development right will not affect that.

The safety of residents underpins everything we are doing. We have taken decisive action since the Grenfell Tower fire through our building safety programme to identify and then to make safe buildings with ACM cladding. We will shortly be publishing our implementation plan for the Hackitt review to fix the system so that an event like Grenfell cannot happen again. The ban is an important part of our plan and I welcome your support for it.

I am copying this letter to all who signed your letter and will also be making it publicly available.



**RT HON JAMES BROKESHIRE MP**