



Ministry of Housing,
Communities &
Local Government

The Government's response to the
consultation on the clarification of statutory
guidance (Approved Document B).



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Section 1: Introduction

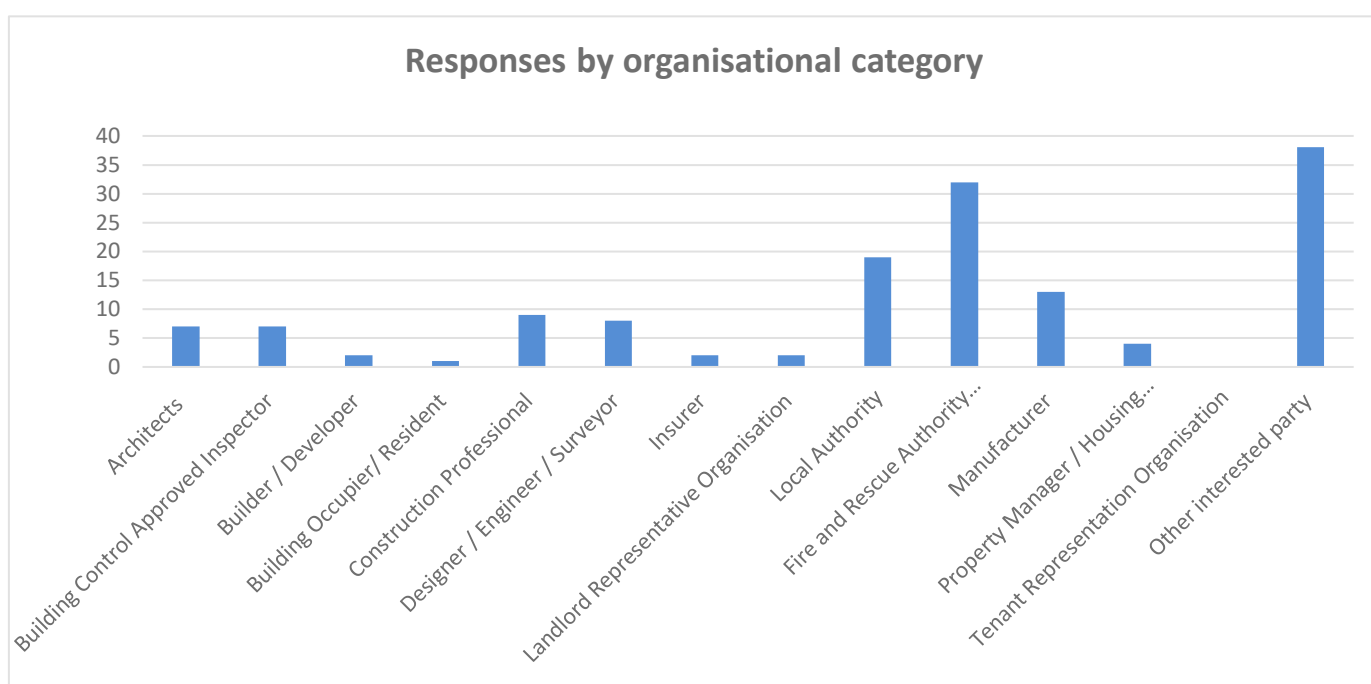
1. On 17 May 2018, in his statement to Parliament on the Government's response to the publication of Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety, the Secretary of State confirmed the Government's intention "*to clarify building regulations fire safety guidance*". This followed Dame Judith's view that the government should consider presentational changes to improve the clarity of Approved Document B (ADB).

Section 2: The Consultation

2. A consultation paper was published on 19 July 2018 and ran for 12 weeks until 11 October 2018. The consultation sought views on a draft clarified version of ADB, with questions relating to the approach taken.
3. In addition to the key questions, respondents were given the opportunity to provide detailed comments on the text in the guidance. These comments, alongside the key questions, were then reviewed by five working groups made up of industry experts and chaired by members of Building Regulations Advisory Committee (BRAC).
4. The conclusion of this work is the publication of the clarified guidance, Volumes 1 and 2 of Approved Document B, alongside this Government response. These aim to improve understanding and avoid misinterpretation. This should assist those undertaking building works and support compliance checking by building control bodies.
5. It is important to note that no new policy is being introduced as a result of this work. A separate call for evidence on the technical review of the building regulations and associated fire safety guidance (Approved Document B) closed on 15 March 2019. The responses are being considered and further announcements will be made in due course. Future policy changes will be subject to separate public consultation.
6. The clarified ADB volumes include the technical amendments made in November 2018 to April 2019 relating to the ban of combustibles on the external walls of buildings, and assessment in lieu of tests.

Section 3: Summary of Responses

- There were 139 consultation responses to the questions as well as over 1,300 comments relating to the draft clarified guidance. It should be noted that some respondents provided comments on the draft guidance, without submitting responses to the questions below.
- Respondents were asked to assign themselves to one of 14 broad organisational type categories. Figure 1 below provides a breakdown of the responses by organisational category. Of those specifying 'Other interested party', several represented Trade Associations.



Section 4: Questions and Government response

9. This section sets out the main findings and the Government response to each of the questions in the consultation.

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?

84% of responses agreed with the approach of splitting the volumes between dwelling and non-dwellings. As a result, the clarified ADB will continue to consist of two volumes.

Some respondents noted that the new split now mirrored the wider suite of Approved Documents, improving consistency. Some respondents suggested the document should instead be categorised according to risk. Several respondents felt all guidance should be contained in one document, whilst others felt the guidance could be split further.

There was emphasis on the importance of clear guidance in the case of mixed-use buildings.

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.

70% of responses agreed with the approach to keeping flats in the same volume of ADB as dwellings. The volume of the clarified ADB covering dwellings will continue to cover flats.

Of those that agreed, this was often with the caveat that common areas of flats and mixed use should be dealt with clearly. Some respondents felt that Volume 1 should contain any place where people sleep, unless covered by a special category e.g hospitals.

Some respondents felt that Volume 1 should be reserved for simple buildings only, and that designing flats could often lead to increased complexity and risk e.g mixed use and high-rise.

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.

Beyond a few responses raising the recent ban on combustible materials in external walls over 18m for residential buildings, there was no indication that the clarified draft text went beyond providing clarification. The ban on combustible materials was the subject of a separate consultation and so the changes made to the guidance in this area do not go beyond clarification.

A number of respondents put forward suggested policy/technical changes, which we will consider as part of our Call for Evidence on the Technical Review of Approved Document B, which closed on 15 March 2019.

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.

Comments were received on how to improve the signposting to standards and other documents, and we have taken these on board in the clarified version of ADB in consultation with the Building Regulations Advisory Committee.

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.

The majority of responses to this question supported the view that guidance should be contained within ADB, rather than in industry standards. Some respondents wished for more guidance to be contained within ADB, however this was felt to reduce the effect of clarifying the guidance, and would make the document less user-friendly.

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.

10. Views were raised that the impact assessment did not cover the full benefits and costs that a clarified ADB would provide from reduced non-compliance. Many also mentioned that ADB should be reviewed regularly.
11. Following this, further work has been undertaken to review the impact assessment in detail, considering evidence submitted in the consultation and a summary of impacts is set out below. A revised assessment of impact is published alongside this response.

Section 5: Updates to Approved Document B

12. The newly clarified Approved Document B has not introduced or amended any technical requirements. Presentational changes have been made to improve the clarity of the document. Guidance on flats is now contained in Volume 1 alongside the guidance on houses. The text has been updated using Plain English, reduced cross-referencing and a single system of classification for fire performance to aid clarity. A technical illustrator has completed significant work on the majority of the diagrams in the Approved Document, to make requirements clearer and improve consistency.
13. Five working groups, consisting of industry experts, were set up to consider over 1,300 comments received on the clarified text. Comments were reviewed and the guidance was updated as appropriate. Those comments which suggested a change to the technical requirements were beyond the remit of this exercise and will be considered as part of the wider Technical Review of Approved Document B.

Section 6: Assessment of Impact

14. We have clarified Approved Document B. We estimate that using the clarified version will save industry £1m - £3.9m per year, as the cost of reading and interpreting the new document annually will be £21.6m – £24.6m per year, compared to the counterfactual of £25.6m per year. With clarifying the document, the cost to industry includes a one off one year transition cost of £2.2m – £3.3m.

15. This is a small change from the consultation stage analysis, which estimated an annual saving to business of £2.4 million per year, where we estimated the cost to industry of clarifying the text and layout of the document only. As a result of the consultation, we have included diagrams in the clarification which has led to further overall savings.

16. The clarification will mean that the estimated 228,000 people who use Approved Document B regularly will have a reduction in reading and interpreting time of 17%-24% per year (not including transition time). This is an average across the ten year appraisal period and across occupations. The analysis undertaken is Green Book complaint