

LGA response to consultation on Sprinklers and other fire safety measures in new high-rise blocks of flats

About the LGA

1. The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government. We are a politically-led, cross-party organisation, which works on behalf of councils to ensure local government has a strong, credible voice with national government.
2. We aim to influence and set the political agenda on issues that matter most to councils so they are able to deliver local solutions to national problems. The LGA covers every part of England and Wales, supporting local government as the most efficient and accountable part of the public sector.

About our response

3. We have followed the consultation in referring to sprinklers. However guidance and standards need to allow for the development of other automatic fire suppression system technologies.

Question 1 – Do you agree or disagree that the height threshold for sprinkler provision in new blocks of flats should be reduced? [Agree/Disagree]

4. The LGA agrees that the height threshold should be reduced and believes that height alone should not determine whether sprinklers should be fitted.

Q 1b - If you agree that the height threshold should be reduced, what should the new threshold be and what is the evidence for this particular threshold?

5. The height of residential high rise buildings in which AFSS should be installed in new buildings should be lowered to 18m or lower if evidence demonstrates a case for a lower threshold. We note that the NFCC supports the lowering of the threshold to 11m and urge the government to consider the arguments of fire professionals in this matter, in particular in relation to the fire safety gap between 11m and 18m. This arises because the 18m trigger point reflects assumptions about fire-fighting equipment which are no longer valid as most modern equipment requires fire-fighting above 11m to be carried out within the building.
6. The case for requiring sprinklers in residential buildings over 18m has been clearly established. However 18m is an arbitrary height which is based on an outdated understanding of firefighting. We are aware that lower thresholds are in place in Scotland and Wales and that research carried out by BRE for the Chief Fire Officers Association suggested that sprinkler installation was justified in purpose built blocks of flats with over 8 flats.

7. The Government should commission research into the case for a lower threshold and amend the building regulations accordingly. However we would not want to see this study delay an initial lowering of the current threshold
8. AFSS should be installed in all newly-built premises of any height where vulnerable people sleep. This would include residential schools and care homes (but not general purpose blocks of flats where vulnerable individuals might sleep but which have not been specifically purposed for the exclusive use of vulnerable individuals).
9. The BRE/CFOA research found a case for sprinklers in residential care homes for the elderly, for children and for disabled people.¹
10. Investing in sprinklers will have a short-term impact on councils' building programmes and this needs to be considered by Government.
11. Any lowering of the height requirement for sprinklers in new buildings raises questions around retrofitting sprinklers in existing buildings. The LGA believes that it is unacceptable to allow a two-tier safety system to be created under which residents of existing buildings receive less protection than those in new buildings. To this end the Government needs to accompany the amendments to Approved Document B with one of the courses set out below:
 - a. The requirements placed on duty holders to demonstrate the safety of existing HRRBs in Dame Judith Hackitt's report should be extended to apply to all residential buildings over 18m[‡] and all buildings where vulnerable people sleep (other than private dwellings).
 - b. In the absence of the requirement above, owners of residential buildings over 18m high, and buildings of any height in which vulnerable people sleep should be required to retrofit AFSS as part of a proportionate risk-based programme of fire safety management.
 - c. For this purpose of this report 'vulnerable people' means those who cannot reasonably be expected to evacuate a building as quickly as others due to disability or age (this includes children as well as the elderly).
12. Any building owner installing AFSS under the provisions above should have the legal right to enter leasehold premises for the purposes of installing and maintaining sprinkler systems.
13. The Government should commit to providing assistance to any council experiencing financial difficulty in meeting the retrospective obligations above as it had done in respect of the remediation of social housing blocks with flammable cladding.

Question 2 – Do you agree or disagree that these systems should be designed in accordance with the relevant guidance in BS 9251? [Agree/Disagree]

Q2b - If you disagree, what specifications and performance should be required?

14. Guidance and standards need to allow for the development of other automatic fire suppression system technologies.

¹ BRE, *Cost Benefit Analysis of Residential Sprinklers Final Report* March 2012, in particular Figure 1.

15. There is a need to consider whether BS 9251 needs updating, particularly in light of the emerging evidence of the danger of fire ingress into buildings from cladding or balcony fires, given modern methods of construction and the need to include those in considerations of risk
16. We understand that the UK will adopt BS EN 16925 in 2020. This change - and related BSI work - should not produce lower safety requirement than those in BS9251.

Question 3– Do you agree or disagree that there should be a transitional period of six months? [Agree/Disagree]

17. Disagree. It is unclear what is meant by a transitional period. The Government needs to be clearer about the stage in a building's progress from outline planning permission to occupation at which it intends to impose this requirement. It then needs to take steps to avoid any transitional period being used to bypass the legislation. For example, if the requirement applies at the granting of planning permission, the six month transitional period is likely to be used to obtain planning permission for numerous developments that are not ready to commence so that they can be 'stored' ahead of the requirement coming into force (we understand something of this nature took place when the height threshold was abolished in Wales). If it applies at the start of construction then nominal work may begin and the project be then 'stored' having by-passed the change in regulations. The Government needs to consider the most effective point in the process at which the requirement could come into force. We suggest it should apply to any building on which construction commences after the date on which the changes are published and that they should be published without further delay, unless the installation industry says it needs time to increase capacity.
18. Our understanding is that if the height limit were reduced to 18m tomorrow the industry would cope, without the need for a lead-in period, but if England adopted Welsh regulations this would need a lead in period. The Government needs to get evidence on this point from the installers and should not impose a transition period if one is not required.

Q3b - If you disagree, how long should the transition period be?

19. The transitional period should be no longer than is necessary to allow the installation industry to increase its capacity to meet the new demand level.

Question 4 – Do you agree or disagree that there should be a more consistent approach to wayfinding signage for fire and rescue services in Approved Document B? [Agree/Disagree]

20. Agree. The LGA notes that the Grenfell Tower Inquiry Phase one report and two coroner's Rule 43 letters (issued by K St J Wiseman in the Shirley Towers case and Francis Kirkham CBE in the Lakanal House case) recommended additional signage

to aid firefighters in identifying areas of the building, particularly at low level, in order to increase visibility in smoke conditions. The Government should consider extending this requirement to other buildings in which vulnerable people sleep and to car parks and including other information of use to the fire and rescue service, as well as the case for retrofitting. The regulations should ensure a standard system for floor numbering is used by such signage.

Question 5 – Are there any existing standards or guidance which should be introduced to the guidance provided in Approved Document B? Please specify.

5b – Does this guidance need to be supplemented or amended for inclusion in Approved Document B? If yes, please specify how.

21. No response

Question 6 - What views exist on the benefits of each signage option set out above?

6b - What is the preferred option set out above for wayfinding signage? Vinyl lettering, photoluminescent lettering, emergency powered lighting luminaries, other (please specify).

22. The LGA has no expert knowledge on which to base a view and is happy to support the views of the fire and rescue service expressed through the National Fire Chiefs' Council, that a combination of powered luminaires and photoluminescent lettering is likely to be the most reliable option.

Question 7 – Should Approved Document B include a requirement for an emergency evacuation system, which could support fire and rescue services operational response by alerting residents if they need to evacuate? [Yes/No]

7b – For each response, what views exist on the benefits and risks of such an approach?

Question 8 – If this requirement was introduced to Approved Document B, above what height threshold should this system be required?

8b – For each response, please provide evidence to support your answer.

23. We question the inclusion of this requirement in Approved document B at this stage.

24. Sir Martin Moore-Bick's Phase One report recommended the use of these systems in high-rise buildings and the government has committed to implementing the recommendations directed at them. However, their introduction needs to be linked to the outcome of the review of stay put and shifting to evacuation recommended by the Phase 1 report.

25. We are aware that the NFCC and LFB have asked the government to start reviewing the 'stay put' policy by commissioning research. It would seem premature to consult on installing these systems before we have had this discussion at a national level.

26. This discussion should also consider the case for retrofitting these systems.

27. Emergency Evacuation systems cannot and should not be used to justify shortcomings in fire safety measures in – or dangers arising from construction failures in - high rise buildings.