

# Housing, Communities and Local Government Committee

House of Commons, London SW1A 0AA

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Steven Daws, Technical Director, & Stephen Robinson,  
Director, Head of Fire Engineering,  
C. S. Todd & Associates Ltd  
Hutton Roof  
Eglinton Road  
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Surrey GU10 2DH

12 July 2018

Dear Mr Daws and Mr Robinson,

Thank you for your letter of 11 July 2018 regarding the Committee's oral evidence session of 27 June 2018 on the Independent Review of Building Regulations and Fire Safety.

In particular you outline your concerns regarding whether there is confusion regarding the interpretation of paragraphs 12.6 and 12.7 of Approved Document B. It is the case that some of the representations we have received, including your letter, have stated that they do not consider those paragraphs lack clarity. However, this has not been the consistent view of those the Committee has heard from, both in writing and during the various oral evidence sessions we have held.

In addition, the then Minister of State for Housing, Dominic Raab MP, told us in correspondence of 1 May 2018 that:

... the guidance does allow that the surface of external walls at a height of more than 18 metres may meet a less onerous requirement than that which would meet the definition of "limited combustibility".

Furthermore, in [correspondence](#) to the Committee, Dame Judith Hackitt, Chair of the Independent Review of Building Regulations and Fire Safety herself stated:

... on the use of cladding materials, there is currently a choice between using products of limited combustibility or undergoing a full system test<sup>1</sup>. Current views vary on whether or not the guidance is clear on this. [...]

<sup>1</sup> Paragraph 12.7 states that: In a building with a storey 18m or more above ground level any insulation product, filler material (not including gaskets, sealants and similar) etc. used in the external wall construction should be of limited combustibility. The scope of paragraph 12.7 extends to cladding, particularly when read in the context of the guidance in paragraph 12.5, which states that: The external envelope of a building should not provide a medium for fire spread if it is likely to be a risk to health or safety. The use of combustible materials in the cladding system and extensive cavities may present such a risk in tall buildings.

I would also draw your attention to section 2.29 of Dr Barbara Lane expert report to the Grenfell Tower Public Inquiry in which she states that these paragraphs require “urgent change and review”, and highlights different interpretations within the industry. Furthermore, Appendix F of her report states:

The difference in opinion in industry has only deepened since the Grenfell fire. There has been much argument, very well publicised, regarding what the required performance of materials and products forming an external wall should be. [...]

On reflection however, this difference, serves as a useful indicator of the current lack of clarity regarding the content of Section 12 of the ADB 2013, and particularly as it applies to an ACP rainscreen cladding panel. These panels are composite in nature; created in many forms with combustible polymeric material. It is substantially different from the classic brick/block cavity wall.

Finally, you may be interested in the following correspondence specifically on this issue, all of which have been published on our website:

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**Clive Betts MP**  
**Chair, Communities and Local Government Committee**



C. S. TODD  
& ASSOCIATES LTD

*Fire Safety Consultants*

11<sup>th</sup> July 2018

Mr Clive Betts MP  
Chair, Housing, Communities and Local Government Committee  
House of Commons  
LONDON  
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By post and email to: [hclgcom@parliament.uk](mailto:hclgcom@parliament.uk)

Dear Sir

### **Housing, Communities and Local Government Committee, 27 June 2018 Independent Review of Building Regulations**

The undersigned write to you as directors of C.S. Todd & Associates Ltd, a leading fire safety consulting practice in the UK. (Further information on the practice can be found at [www.cstodd.co.uk](http://www.cstodd.co.uk).)

The practice, and individual members of the practice, have involvement in a multitude of respects in the issues that have arisen in relation to the Building Regulations 2010, interpretation of Approved Document B (“ADB”) and the fire performance of external wall construction, particularly cladding, in the wake of the Grenfell Tower tragedy. Accordingly, we observed, with considerable interest, the evidence presented by witnesses to your Committee on 27 June 2018.

While interpretation of the Building Regulations and ADB is a matter that will be subject to intense legal scrutiny over the months, and possibly years, that follow, we consider it essential to draw attention to a major error of fact in the assertions of the Chair, in relation to supposed confusion regarding interpretation of Clauses 12.6 and 12.7 of ADB.

The Chair asserted that these clauses “*clearly confuse everybody as to whether cladding of limited combustibility is allowed*”. Presumably, the Chair meant to say something along the lines of whether cladding of limited combustibility was required or, perhaps, whether combustible cladding was allowed. In any case, Dr Smith stated in response that, in the view of BRE, Clauses 12.6 and 12.7 were not confusing in respect of this matter. The Chair then asserted that BRE was probably the only organization that was not confused. (We believe that the Chair added, as an aside, that this was from evidence that the Committee had.)

While we are not aware as to the specific evidence to which the Chair refers, a suggestion that BRE might be the only organization that was not confused is not simply

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a minor error of fact, but a complete travesty of the truth. If, as would appear to be suggested, the confusion relates to whether or not, in a building with a storey of greater than 18m in height, external cladding, such as the aluminium composite material with a polyethylene core that was found at Grenfell Tower and a number of other high-rise blocks of flats, might be permitted under the clauses in question, there are many individuals and organizations, including our own practice, that have not been “confused”. Accordingly, BRE are far from alone in this respect.

In fact, for several years, there has been ample guidance to assist designers in relation to this matter. However, we do not, within this letter, rehearse the various arguments in this respect, as the purpose of writing to you is not to resolve the meaning of these clauses, but simply to correct what we believe to be a seriously inaccurate assertion that BRE were unique in their lack of confusion.

Nevertheless, we would, for example, refer the Select Committee to BS 9991, a British Standard (and, therefore, a representation of consensus of opinion within the fire safety profession), which provides guidance on fire safety in the design, management and use of residential buildings, including blocks of flats. In the 2011 version of the British Standard, the supposedly confusing wording of Clause 12.7 of ADB was reproduced, though a separate recommendation advised that combustible materials should not be used in cladding systems. When the Standard was revised in 2015, the wording of 12.7 was again reproduced, but with an amendment, so that the revised recommendation was that any **cladding material** (our emboldening), insulation products, filler material, ..... should be of limited combustibility. To the extent that clarification of the issue was required, that clarification was available in a well-known British Standard in, at least, 2015, but arguably 2011.

Similarly, the Building Control Alliance, in its Technical Guidance Document 18 published in 2015, also makes it very clear that the requirement for limited combustibility applies to all key components of an external wall, including external facings such as ACM cladding. NHBC in its document *Acceptability of common wall constructions containing combustible materials in high rise buildings* published in July 2016, references the BCA document and also makes it clear that the requirement for limited combustibility applies to all elements of the cladding system.

These documents were, in fact, only reflecting common understanding within the industry prior to these dates and not providing new or novel interpretation. While to the layman, clause 12.7, in not specifically referring to cladding material, may appear confusing, to building professionals this was far from the case, as these documents clearly demonstrate.

The fact that clause 12.7 does not refer to cladding materials does not imply that they should be specifically excluded from consideration. Any building professional involved in designing and building external walls knows that there are other components which are similarly not listed. For example, it does not refer to vapour control layers, breather membranes and battens. The very obvious use of the word

*etc* after the word *filler* leaves the reader to think about all elements of the external wall and cladding system and to determine themselves whether they should be of limited combustibility or can be treated as incidental in terms of fire loading and contribution to fire spread over the external wall.

In relation to Dr Smith's completely accurate more general advice that BRE did not write ADB, the Chair suggested that this was the sort of transfer of responsibility of which Dame Judith Hackitt was critical. In fact, the Committee may wish to consider whether disingenuous efforts, for reasons of potential legal liability by some of those within industry, to somewhat muddy the waters by blaming Government guidance is actually the sort of transfer of responsibility of which Dame Judith is critical.

We hope that the above comments are of assistance to the Select Committee, and we would be very pleased to amplify our views if this would be helpful at any stage.

Yours faithfully



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