



Ministry of Housing,
Communities &
Local Government

Clive Betts MP
Chair
HCLG Select Committee
House of Commons
London
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24 July 2019

Dear Clive,

Thank you for our useful conversation on Monday. As always, your questions and challenges were valuable and we enjoyed the chance to discuss them. While there are several areas to follow up on, I wanted to write to clarify some technical issues swiftly, primarily in relation to questions raised by Kevin Hollinrake MP.

The test on High Pressure Laminate carried out on 11 July showed that HPL included in a system combined with stone wool insulation material could pass the BS8414 test and achieve BR135 classification. The high pressure laminate panel used in the test carried out by the Department was not a material of limited combustibility as defined in Approved Document B 2006.

Both the Expert panel and the Department's view is that some combustible materials can be retained safely on existing buildings where the wall system as a whole is shown to adequately resist the spread of fire over the wall. A BS8414 test can be used to demonstrate that a system can adequately resisted fire spread.

The purpose of the ban going forward is to make it clearer what materials can be used in new buildings. ~~For new buildings and building work within the scope of the ban, it will no longer be possible to use BS 8414 to demonstrate compliance where combustible materials are used.~~ Crucially, this does not mean that existing buildings where systems have been subject to a full scale BS 8414 test are unsafe. The BS 8414 test is a robust way of demonstrating the safety of external wall systems and will continue to be useful for buildings outside the scope of the ban, or for assessing the potential risks for existing buildings.

You asked for a list of materials which would not be allowed on new buildings but can be allowed on existing buildings. It is not possible to provide a definitive list but a list of materials which have successfully passed the BR135/BS8414 is available at the following:
<https://www.bre.co.uk/regulatory-testing>

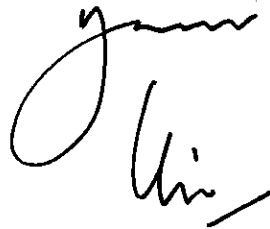
In addition the Expert Panel as recently provided some advice following the successful test of HPL panel :
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818184/Advice note on use of HPL panels in external wall systems.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818184/Advice_note_on_use_of_HPL_panels_in_external_wall_systems.pdf)

I would also like to clarify the definition of 'responsible entity' in reference to the Private Sector Remediation Fund. I refer back paragraphs 2 and 3 to my letter of 16 July to the Committee which states:

The Government's position remains that the responsibility for making buildings safe lies with the responsible entity that has the legal obligation to carry out the works and the legal right to recover funds (ordinarily) from the leaseholders. This will normally be the building owner but could also be developers, managing agents and enfranchised leaseholders that have a share of the freehold. It could also include a body acting on behalf of the responsible entity.

This does not change the Government's position on protecting leaseholders from the costs of remediation. Our use of the term 'responsible entities' reflects that in some cases primary responsibility for the repair of the property (and rights to recover costs of repair from leaseholders via the service charge) lies with a head leaseholder or managing agent rather than the freeholder.

Thank you again for your questions on Monday. If you have any further questions please do not hesitate to write to me and I will endeavour to answer in good time.

A handwritten signature in black ink, appearing to read 'Kit Malthouse', with a stylized flourish at the end.

KIT MALTHOUSE MP