



The Chairman
Housing, Communities and Local Government
Committee
House of Commons
London
SW1A 0AA

Our ref: BZH07540\2852\19027949v1\HW1
Your ref:
Date: 6 July 2018

Dear Sir

Building Regulations and the Hackitt Report

Following publication of the final Hackitt Report, the Committee has sought input from the construction industry on what immediate changes should be made to Building Regulations to make residential tower blocks safe and have invited comments on the report.

I would like to contribute the following:

1. Further clarification regarding the existing Building Regulations is required. The Building Regulations concerning the requirements for tall buildings are contradictory. The Building Regulations require that in buildings >18m any insulation product or filler material in external wall construction should be of limited combustibility or Class A2.1. Class A2 is the standard against which the government has been testing cladding. However, elsewhere the Building Regulations suggest a lower safety score of Class O (Euroclass B) for all external surfaces for tall buildings.

The position is complicated by a tension between British Standards and those based on Eurocodes. For example, since July 2013 manufacturers of certain wall coverings have had to test and label their products in accordance with harmonised European standards. Prior to this, anomalies between the British standards and the European system meant that building control could in certain cases accept Class O regardless of its equivalent European classification.

Since the Grenfell Tower fire, a number of clarifications on the appropriate standards have been issued. However, these have been issued on a piecemeal basis. It would assist the construction industry if a consolidated note is issued that resolves any ambiguities and contradictions. Currently the updated regulations are set out in a number of different documents and my concern is that something important will be missed in the absence of an updated and consolidated note.

2. In terms of the Hackitt Report and the position going forward, my comments are that having condemned an industry's culture of ignorance and indifference to building safety, it is proposed in the report to give the same industry responsibility for building regulations and fire safety with a principles based form of Building Regulations replacing the current prescriptive regulations (that have been confirmed as not fit for purpose).

Duty holders cannot be expected to assume this new responsibility in the absence of clear guidelines setting-out how their discretion should be exercised. Whilst it has been suggested that there is too much prescription in the current Building Regulations, a

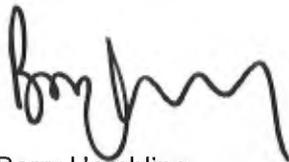
principles-based approach to regulation risks creating a lack of detail that could lead to unsafe outcomes or inconsistent results between buildings, with duty holders making subjective assessments at completion demonstrations rather than informed decisions based on objective data.

In the absence of a continuing role for detailed codes of practice covering the technicalities of construction, professionals might simply refuse to sign the proposed compliance statements at completion demonstrations or their insurers may not allow them to do so. There must therefore be a continuing role for detailed codes of practice during the design and construction phases, which must be regularly updated to reflect changes in technology and techniques.

Unless industry is given sufficient guidance under the new regime as to how its new discretion ought to be exercised, the proposals will not herald the profound change in safety that the report aspires to deliver and they will not prevent another Grenfell-style disaster.

I trust the above is of assistance. The views expressed in this letter are my own.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Barry Hembling', with a stylized, cursive script.

Barry Hembling
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for Fladgate LLP

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