



# **Historic England Response to the Independent Review of Building Regulations and Fire Safety Call for Evidence**

**Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Digital, Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.**

**Historic England welcomes the opportunity to respond to this consultation.**

## **Call for Evidence – Response**

We see this as mostly being for the new built environment or material changes to existing buildings, it is at this point where heritage would fall within the scope. Our opinion is that most responsible persons, as defined in the Fire Safety Order (FSO), are not that aware of their responsibilities under the FSO. All documents deal with the life safety issue quite well, however property protection is not considered which is fundamental to protect the historic fabric along with business continuity.

The Building Act, Building Regulations and Approved Document B (ADB) are relatively good documents although Approved Document B could be improved in many areas, mainly to give guidance on the practical application. The functional requirements are clear but it can be interpreted in many ways and requires clarification for the lay person.

The current statement (0.35) within approved document B Part 2 and (0.29) Part 1 gives vague guidance on the variation to the provisions where Part B applies. Historic buildings are normally non-compliant with ADB in most situations due to their design and construction methods. Clearer advice should be given within ADB for historical building advice. We would prefer that ADB states the best code of practice or BS 7974 route as a pathway to compliance.

There are inconsistencies such as the application for enforcement for the Housing Act and overlap with other documents; there must be equal application for fire safety purposes from all the differing bodies when applying enforcement. For example the Fire and Rescue Service will make a decision on the level of enforcement based on if a fire starts how will that affect occupants of buildings (including heritage buildings), where a housing officer will look for signs of a fire, burning/charring signs of electrics fusing etc. they do not take into account what happens if a fire was to occur. Doors to flats in purpose built blocks of flats doors along fire alarms when required, requires clarification to ensure responsibilities are clearer, there is currently confusion over who is deemed the responsible person under the Fire Safety Order.

Should 'no worse than existing' wording set out in the Building Regulations be considered acceptable any more when the Fire Safety Order (FSO) and Construction Design and Management

regulations recommends as low as reasonably practicable. Article 10 of the FSO requires the Responsible Person to adapt to technical progress.

Procedural guidance states there should be no need for extra building work to be undertaken at the end of a building project and before the building can be occupied for its intended purpose. This guidance should be a requirement rather than just guidance. There is a clear difference of standards being applied by building control bodies, whether they are local authority or approved inspector. Greater communication is required between all interested parties for the purpose of fire safety and agreeing fire strategies for buildings.

Regulation 38 of the Building Regulations clearly is not being followed in our experience, on nearly all occasions when visited/audited a building when recent work has been carried out that required a building regulation application; this information has not been available.

Building control bodies must be held accountable for mistakes and contraventions in buildings that result from their failings to apply the guidance or agree any deviations with interested parties.

Building definitions are inconsistent at best; standardisation across the industry is a necessity. ADB has not adapted to suit the trends used in today's modern construction methods, design and use.

Research has not kept pace with the design methods and construction materials in all areas; the use of table top assessment for similar materials is fatally flawed. For example Aluminium Composite Material (ACM) used on Grenfell is tested in a rig with a limited amount of material; the test does not take into account wind effect conditions that are prevalent with high rise buildings. Greater research needs to be undertaken to establish the fire resisting qualities of traditional construction methods used within the historic fabric.

Third part certification should be mandatory within the sector however; the current schemes available for fire risk assessor are not suitable in our opinion, all current schemes rely on assessors submit risk assessments for consideration to be registered on the schemes list. The assessments are subject to a table top test for assessing if suitable or not, the premise where the assessment has taken place is not visited. A better scheme is use by BASFA where sprinklers contractors can be audited on site to check that the system complies with the standard. Fire risk assessors are more often likely to make no decision on elements of construction due to a lack of understanding of the materials used in the historic sector. Doors are a common issue where assessors routinely advise that a door specialist should be employed to ascertain if a door is up to the equivalent standard of a BS476 test. This is impossible to establish in all cases, therefore the assessor must make their professional assessment on them.

The current BS 476 test is not a realistic test for the historic fabric due to the fire curve used as opposed to real fire curve as known in the fire industry. A more realistic assessment method such as the heritage door curved matrix.

Fire and rescue services have differing levels of auditing buildings for fire safety. Greater consistency when applying the FSO to responsible persons should be mandatory within the FRS. FRS should be aware of all listed buildings on receipt of call, any premises with a heritage value should be made aware to the incident commander en-route to the incident, this will enable them to ask correct questions and make informed decisions on tactics to save saveable property and artefacts. It should also aid the tactics used for fire fighting and for fire-fighter safety. Attendance times for FRS to arrive at a fire have moved from a national attendance time to one based on that

FRS IRMP, in reality this has meant intervention from the FRS on a fire has extended, this coupled with the fact that many listed buildings are in a rural location meaning that the fire has a considerable amount of time to take hold. Fire-fighters therefore have to consider defensive fire fighting tactics at an early stage resulting in a total loss of the building.

There are currently no statistics collated for incidents involving heritage buildings either listed or with a heritage value on them. To demonstrate the cost of fire in value of heritage loss and also for the loss of heritage to the nation this information must be gathered. Small fires in these types of properties which can be classed as near misses can give indications of trends and faults that can help to prevent further losses in similar buildings.

Replacement thermal elements when changes occur at times do not meet current standards. Part L of building regulations is still applicable to historic buildings. Historic England's guide "The Application of Part L1A of the Building Regulations to historic and traditionally constructed buildings" sets out the correct strategy regarding energy efficiency in listed buildings.

Access under part M can be restricted and onerous at times, an adoption of the guidance given in "Easy Access to Historic Buildings and Easy Access to Historic Landscapes" would allow for greater access to historical buildings.

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