

MAYOR OF LONDON

Rt Hon Robert Jenrick MP

Secretary of State for Housing, Communities
and Local Government
Ministry of Housing, Communities and Local Government
2 Marsham Street
London SW1P 4DF

Date: 24 April 2020

Dear Robert,

Ban on the use of combustible materials in and on the external walls of buildings

I welcome the Government's decision to review the ban on the use of combustible materials within external wall systems. The proposals set out are positive, but they do not go far enough.

In my response to the first consultation in August 2018, I made clear my strong support for the ban of combustible materials to apply to the external walls of all new buildings, irrespective of height or use. This position, however, was not adopted in national reforms. Since then, several fires in mid-rise blocks have highlighted the risks in buildings below 18 metres and of other uses. It is therefore right that the Government reconsiders its position.

In London, I have implemented this policy directly where I have the power to do so. I have imposed new rules restricting the use of combustible materials on external wall systems on all future developments on GLA-owned land, and I know that some London councils are applying the same policy on their land.

The current consultation sets out three proposed amendments to the Regulations: applying the ban to hotels, hostels and boarding schools; lowering the height threshold to 11 metres; and a total ban on metal composite panels with a polyethylene core. Whilst these proposed changes are a considerable improvement on the current Regulations, they still will not ensure the safety of residents. Expanding the ban to all new buildings, regardless of their height or use, is the only way to ensure this policy is comprehensive, clear and easy to implement.

Given this is already the Government's second attempt at this policy, it is vital to get it right. The consultation currently proposes lowering the ban to 11 metres and commissioning research to allow further review of the height threshold. The sector needs certainty over the Government's direction of travel on building safety and this piecemeal approach will not deliver it.

Applying the ban to all new buildings regardless of height or use is the only way to achieve clarity and remove loopholes. In her independent review, Dame Judith Hackitt stated that the Government's regulations and guidance can be ambiguous and inconsistent, and that some use this as an opportunity to game the system.

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Additionally, these proposals perpetuate the use of arbitrary height thresholds. Banning combustible materials from 11 metres introduces a third threshold for building safety, in addition to 30 metres currently in place for sprinklers and 18 metres to qualify for remediation funding. Focusing on height – any height – ignores the wider range of factors contributing to fire safety risks in buildings. Notably, this includes the occupancy of the building. I wrote to the Minister of State for Policing and the Fire Service in July about poor fire safety standards in some specialised accommodation such as care homes. It is clear to me that by failing to introduce an outright ban on combustible materials, you will leave many new high-risk buildings below 11 metres – especially supported and specialist accommodation, care homes, schools and hospitals – highly vulnerable to fire.

Finally, external wall products that meet the required fire resistance rating already exist on the market. I appreciate there may be a negative impact on supply chain, costs and potentially the pipeline of new buildings in the short term while the market adapts. However, the opportunity should be taken to comprehensively pivot the supply chain away from combustible materials in favour of safer construction.

On a related note, last month I welcomed the Government's announcement of a new £1bn Building Safety Fund. Notwithstanding my concern that it will not be sufficient to fund all buildings within the scope, it also fails to support remediation of unsafe cladding for existing buildings below 18 metres. This reveals another inconsistency in the approach to building safety, given the proposals set out in this consultation for new buildings would apply to any over 11 metres.

In light of the current emergency our country is facing, I would like to highlight my concerns about the potential impact of COVID-19 on those living in homes with unsafe cladding. There is likely to be a delay in cladding remediation, as work may not be able to start or continue on site. It is therefore vital that various tiers of Government and other authorities work together to understand the potential impact on interim safety measures, most notably waking watch, and take steps to mitigate the risk if they are unable to continue. Furthermore, delays in remediation add additional urgency to my calls for the Cladding Remediation Funds to be extended to cover the cost of interim safety measures.

I would like to thank you for the opportunity to respond to this consultation. The proposals are positive, but this review is a chance to clarify once and for all the requirements in the Building Regulations in relation to the external spread of fire. I urge you once again to extend the ban on the use of combustible materials to all new buildings, regardless of height or use.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Sadiq Khan', with a small number '2' written below the name.

Sadiq Khan
Mayor of London