

Department of Finance consultation on fire safety changes to the local Building Regulations –

Northern Ireland

Response from Propertymark

September 2023

Background

1. Propertymark is the UK's leading professional body of property agents, with over 17,500 members representing over 12,800 branches. We are member-led with an executive Board of practicing agents who we work closely with to ensure that we uphold high-standards of professionalism and are able to advocate for legislative change on behalf of the sector.

Consultation – overview

2. Following the Grenfell Tower fire on 14 June 2017 and its subsequent inquiry, the Department of Finance was tasked with meeting the Inquiry's recommendations in Northern Ireland. Phase one included an initial package of fire safety requirements, which became law on 1 April 2022. Phase two of the new fire safety requirements involves amendments to The Building Regulations (Northern Ireland) 2012, including updating existing guidance and introducing new requirements for fire suppression systems and sharing fire safety information once construction works have been completed.

Propertymark response – summary

3. Propertymark welcomes the opportunity to respond to the Department of Finance's consultation on fire safety changes to the local Building Regulations. Propertymark has been in frequent communication with the Department for Levelling Up, Housing and Communities as the Building Safety Act 2022 has been implemented across England and has key insight from members about some of the changes proposed. While each devolved nation in the UK has adopted a different approach to building safety measures to account for national differences, many of the regulations share key similarities which presents an opportunity for Propertymark to share lessons learnt and issues raised across the UK.
4. Propertymark is first and foremost interested in maximising protections for residents within high-risk buildings. Considering that agents who let as well as buy and sell individual flats within

apartment blocks they need to ensure tenants understand fire safety information within the property and it is essential that this information is provided in a timely manner, is accurate and accessible. This is improved by ensuring consistency of rules across the UK, but also making it very clear where there are differences. This will prevent larger agent businesses and property management companies as well as developers that operate across the UK from failing to meet their requirements, which is essential for those responsible for safety in buildings to be able to inform tenants of the fire safety information and evacuation processes they need to be aware of. Furthermore, we are keen to see protections reach as many people as possible, which we are glad to see has been adopted in Northern Ireland since many of the Building Regulations relate to properties over 11 metres in height, compared to 18 metres for properties in England.

Questions

Question A1: Do you agree with the proposal to require a building which becomes a 'relevant premises' (as defined in the Fire and Rescue Services (NI) Order 2006) or a building containing one or more flats with a storey more than 11m above ground level, due to a material change of use, to be subject to the requirements of new regulation 37A?

5. Yes, we agree with the proposal as it will ensure that fire safety information is provided where it was previously not required within the particular property. If this proposal is not implemented, there is the potential for owners and residents of converted buildings not to have the fire safety information they need, which would lead to greater likelihood of injury or death due to a fire safety incident from taking place.

Question A2: Do you agree with the proposal to require a building which becomes a building on the prescribed list of buildings in regulation 37B due to a material change of use, to be subject to the requirement of new regulation 37B?

6. Yes, we agree with proposals to ensure that properties converted into those that become properties that pose a greater fire safety risk would then be required to have fire suppression systems installed. This would also improve the fire safety of buildings that were not initially considered higher-risk but became higher risk due to a material change of use.

Question E1: Do you agree that as built ‘fire safety information’ should be required to be given under Building Regulations to those responsible for fire safety duties in a building not later than the date of completion of the work, or the date of occupation of the building or extension whichever is the earlier?

7. Yes, we agree that fire safety information should be provided no later than the date of the completion of work, or the date of occupation of the building/extension whichever is earlier. Fire safety information should be provided at the earliest opportunity to allow those involved in maintaining the safety of the building to be well prepared and familiar with the potential risks of the works well before occupiers would be at risk. For works where occupation occurs before works or extensions are completed, providing information before the completion of works can help ensure the safety of occupants ahead of completion, which is vital if residents are already occupying the building. This would also have the benefit of greater consistency across UK-wide building safety regulations, which would support larger developers to meet their fire safety obligations.

Question E2: Do you agree with the scope of buildings (‘relevant premises’ as defined under the FRSNIO and buildings containing one or more flats with a storey more than 11m above ground level) for the new regulation to apply to?

8. We generally agree with the definition of relevant premises that would be covered within the scope of buildings. Previously, we have made calls for fire safety measures to be extended to buildings under 18 metres in height in England, therefore the expansion of the scope in Northern Ireland is very welcome especially since there are fewer residential buildings with a height of 18 metres in Northern Ireland. A height of 11 metres provides a clear cutoff point between Houses in Multiple Occupation (HMOs) and blocks of flats, however in England we have seen confusion between how building height is calculated and instances where arguments are made about whether or not particular buildings come within the scope of new fire safety requirements as a multi-occupied building. To curtail this, we would encourage the Department of Finance to issue guidance on how to calculate properties and provide some exceptions for residential properties that would benefit from fire safety measures, for example if there are a certain number of residents/units within that property despite it not being 11 metres in height.

Question E3: Do you agree with the use of the term ‘person carrying out the work’ in the regulation or do you think a more specific individual should be cited in the regulation and hence responsible for providing this information?

9. No, we would encourage greater specificity in this regard, especially since “the person carrying out the work” could imply the individual construction worker carrying out the work who may not fully understand the fire safety risks associated with the work or the application of fire safety procedures to tenants and residents of buildings. In its place, we would encourage similar language used in the Building Safety Act, which is the “principal contractor” or “principal designer” which would make it clear that the individual in charge or most knowledgeable about the works is responsible for providing the necessary information. In order to improve flexibility of who should provide the information, the regulations could specify “principal contractor, principal designer or a qualified individual acting on their behalf”.

Question E4: Do you agree that a new prescriptive regulation requiring the provision of suitable automatic fire suppression systems in certain types of buildings should be introduced under regulation 37B?

10. Yes, we agree with this regulation and see no reason why automatic fire suppression systems should not be introduced under regulation 37B. There may be cases where fire suppression systems cannot be installed within some properties. In these cases, we would encourage regulations that specify alternative solutions that would achieve the same or similar outcomes to automatic fire suppression systems.

Question E5: Do you agree with the scope of buildings as proposed for now under new regulation 37B?

11. Yes, we agree with the scope of buildings that would fall under regulation 37B.

Question E6: Do you agree with the height threshold of 11m for buildings containing one or more flats and purpose-built student accommodation as proposed under new regulation 37B?

12. Generally, we agree with the height threshold, however our concerns regarding buildings 11 metres or higher that we highlighted during question E2 remain.

Question E7: Do you agree with the definition of residential care premises being adopted in building regulations for the application of new regulation 37B?

13. Propertymark members are not involved with residential care premises, therefore it would be inappropriate for us to respond to this question.

Question E8: Do you agree with a transitional period of 6 months?

14. No, we do not agree with a transitional period of six months as it should be longer. Given the number of buildings that would be required to install new automatic fire suppression systems, there is a possibility that there would be a shortage of qualified professionals available. We would encourage a 12-month transition period or for property owners not to be in breach of the regulations if they can show they have hired a professional to install a fire suppression system and are in the process of having a system installed.

Question TBE1: Do you agree with the proposed guidance in Section 7 of the consultation version TBE for 'fire safety information'?

15. Yes, we have no issues with the proposed guidance beyond our previous comments for additional guidance on measuring the height of a building and a more specific definition of "the person carrying out the work".

Question TBE2: Do you agree with the proposed guidance regarding sprinklers given in Section 8 of the consultation version of TBE?

16. Yes, we have no issues with the proposed guidance.

Question TBE3: Do you agree with the revised provisions for installation of smoke alarms in all habitable rooms as part of automatic fire detection in new dwellings?

17. Yes, we agree with the revised provisions as this will help to increase fire alarm coverage within new dwellings. This would prevent fatal accidents where a fire starts in a room other than the principal habitable room. We would also encourage the guidance to include a definition of

“habitable room”, which also applies to question TBE4. Furthermore, we would also like to see this requirement extended to existing buildings as well, rather than just new buildings.

Question TBE4: Do you agree with the new guidance in relation to fire alarm provision in dwellings subject to an extension and/or alteration work?

18. Yes, we agree with the amended guidance, but also due to the technical nature of the provisions we recommend the Department for Finance seek the advice of organisations that represent firefighters. This is the same for questions TBE5 through to TBE9.

Question TBE5: Do you agree with the amended guidance regarding smoke ventilation from the common escape routes in buildings containing one or more flats as inserted in TBE?

19. Yes, we agree with the amended guidance.

Question TBE6: Do you agree with the proposed change in guidance to require all Purpose Group 5 buildings which have a storey 900m² or more in area at a height of 7.5m or more above fire and rescue service access level to have firefighting shaft provision?

20. Yes, we agree with the proposed change.

Question TBE7: Do you agree with the amended guidance so that the maximum distance from any point on a storey to a fire main in a firefighting shaft is 60m and in addition, where sprinklers are not fitted, the distance should be a maximum of 45m to a fire main outlet in a protected shaft (not necessarily a firefighting shaft)?

21. Yes, we agree with the amended guidance.

Question TBE8: Do you agree with the amended guidance to set a storey height limit of 50m above fire service vehicle access level for provision of a dry fire mains?

22. Yes, we agree with the amended guidance.

Question TBE9: Do you agree with the amended guidance so that a pump appliance can gain access, so that the effective hose penetration distance can reach to within 45m of all points within a dwellinghouse/flat? (for buildings not fitted with a fire main)

23. Yes, we agree with the amended guidance.

Question TBE10: Do you agree with requiring an emergency evacuation alert system to be installed in buildings containing flats with a storey more than 18m above ground level?

24. Yes, we agree that buildings containing flats with a storey more than 18 metres above ground level should be required to have an emergency evacuation alert system installed. We would also encourage this requirement to be extended to buildings that are 11 metres in height and buildings that meet a minimum threshold of number of flats, for example there are buildings that are especially wide which could pose a risk to households evacuating, despite the building not being 18 metres in height. These could have separate evacuation alert or similar systems that are more appropriate for the dimensions of the building and number of flats within it.

Question TBE11: Do you agree with the new requirement for wayfinding signage in buildings containing flats with a storey more than 11m above ground level?

25. Yes, we agree with the requirement for wayfinding signage in buildings containing flats with a storey more than 11 metres above ground level, including all available guidance and specifications.

Question TBE12: Do you agree with the new requirement for a secure information box in buildings containing flats with a storey more than 11m above ground level?

26. Yes, we agree with the requirement for a secure information box in buildings containing flats with a storey more than 11 metres above ground level. We agree with the current guidance but would encourage additional specifics on what is considered to be “easily located and identified by firefighters” and “secured to resist unauthorised access but readily accessible by firefighters”.

Question IA1: Do you agree with the assumptions, costs and impacts set out in the consultation stage RIA?

27. We would suggest that there is an additional cost/impact of a reduction in investment in high-rise buildings due to increased costs of construction to include additional fire safety measures. This may also lead to developers and investors exploring loopholes to develop property that doesn't meet the scope of the new building safety requirements, such as building property under 11 metres. As a consequence, we could see a decline in new property developed over 11 metres. It is for this reason that we propose broadening the scope of the building safety regulations. Additionally, we are likely to see an increase in demand for management companies to take responsibility for managing fire safety, rather than the property owner.

Question G1: Please set out any additional comments you have.

28. We do have an additional comment on enforcement. Due to the increase in regulations that developers and building owners will need to follow, especially initially as the regulations become understood, we would like to see an increase in funding towards enforcement. Otherwise, the regulations risk being contravened unless enforced effectively.