

RIBA
PRACTICE
NOTES

Restrictions on Combustible Materials

PN-2: Revision A 2020

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STATUS OF RIBA PRACTICE NOTES

RIBA and its members uphold high standards of professional competence. RIBA Practice Notes set out best practice guidance for its members and for RIBA Chartered Practices, in particular fields of application. Adherence to the Practice Notes is not compulsory but members and Chartered Practices should use their judgment to determine when to follow such guidance and to what extent. RIBA cannot accept liability for when and how members and Chartered Practices apply best practice guidance published by RIBA.

Having an audit trail showing that the member took account of the practices contained in RIBA Practice Notes may provide a partial defence to an allegation of negligence. When seeking an independent expert report to defend such a case, the expert is likely to reference relevant Practice Notes as a measure of reasonable skill and care.

RIBA regularly reviews its Practice Notes and Guidance material, to take into account changes in the legal and regulatory compliance environment. However, it is each member's responsibility to ensure they keep up to date with legal and regulatory compliance regimes, supported by RIBA CPD compliance requirements and RIBA standards material as this is published and reviewed from time to time.

Members should be reminded that ARB Standards of Conduct (for all Registered Architects) and the RIBA Code of Conduct (for Chartered members) and RIBA Code of Practice (for Chartered Practices) impose requirements for holding suitable insurance to cover potential liabilities arising from negligence or breach of contract associated with professional activities.

INTRODUCTION

On 29 November 2018, the Government enacted changes to the Building Regulations in England restricting the use of combustible materials in “external walls” and/or “specified attachments” (including balconies and sun shading elements) on any “relevant building”; namely any building with a storey over 18m above ground level which:

- contains one or more dwellings;
- contains an institution; or
- contains a room for residential purposes (excluding any room in a hostel, hotel or boarding house)

The Building (Amendment) Regulations 2018 (No. 1230)¹ require that materials forming part of the external wall of a relevant building, or specified attachment of a relevant building, are of European classification A1 or A2-s1, d0.

The restrictions also apply where there is a “material change of use” of a building that brings it within the scope of the definition of a “relevant building.” These are prescriptive requirements enacted through amendments to the Building Regulations and not changes to Approved Document guidance, although revised versions of Approved Document B Vol 2 and Approved Document 7 that reflect the amendments have been approved and published.

Applying to new buildings and material changes of use of existing buildings, the amended regulations do not apply retrospectively to existing residential and institutional buildings with a storey over 18m above ground level.

The Building (Amendment) Regulations 2018 came into force on 21 December 2018, and RIBA Chartered members and RIBA Chartered Practices should be aware of the implications of these regulatory changes, including the applicable definitions of:

- external wall
- specified attachment
- material change of use
- relevant building
- above ground level

¹ 2018 No. 1230 Building and Buildings, England The Building (Amendment) Regulations 2018 <http://www.legislation.gov.uk/ukSI/2018/1230/made> [Accessed 07.07.2020]

INTRODUCTION

There are no alternative means of compliance with these new requirements. The Building (Amendment) Regulations 2018 (No. 1230)² includes a list of product exclusions, and this should be read in conjunction with the other supporting documents including;

- Approved Document B (fire safety) volume 1: Dwellings, 2019 edition – for use in England³
- Approved Document 7: material and workmanship, 2013 edition incorporating 2018 amendments – for use in England⁴

In January 2020, the Ministry of Housing, Communities and Local Government (MHCLG) released a consultation on a 'Review of the ban on the use of combustible materials in and on the external walls of buildings'⁵, which set out proposals to:

- extend the building types covered by the ban, to include hotels, hostels and boarding houses within the scope of the ban.
- lower the height threshold of the ban, in Regulation 7(4)(a), to include buildings with a storey at least 11 metres above ground level.
- extend the ban to all buildings, regardless of height, purpose or use, only in relation to the use of metal composite materials with a polyethylene core.
- extend the ban to include solar shading products, including but not limited to blinds and shutters.
- change the list of exemptions in Regulation 7(3) including the temporary exemption of cavity trays in all forms of construction and the extension of the exemption of waterproofing and insulation materials.
- update the performance requirements of the ban in Regulation 6(3) and 7(2) to include reference to the updated standard BS EN 13501-1: 2018 and additional classifications A1fl, and A2fl-s1.

The RIBA responded to the consultation⁶, which closed in May 2020. At the time of publishing this Practice Note, the MHCLG are analysing feedback and a Government response will follow.

² 2018 No. 1230 Building and Buildings, England The Building (Amendment) Regulations 2018 <http://www.legislation.gov.uk/uksi/2018/1230/made> [Accessed 07.07.2020]

³ Approved Document B (fire safety) <https://www.gov.uk/government/publications/fire-safety-approved-document-b> [Accessed 07.07.2020]

⁴ Approved Document 7: material and workmanship <https://www.gov.uk/government/publications/material-and-workmanship-approved-document-7> [Accessed 07.07.2020]

⁵ MHCLG consultation on the 'Review of the ban on the use of combustible materials in and on the external walls of buildings' <https://www.gov.uk/government/consultations/review-of-the-ban-on-the-use-of-combustible-materials-in-and-on-the-external-walls-of-buildings>

⁶ RIBA response to the 'Review of the use of combustible materials in and on external walls' MHCLG consultation <https://www.architecture.com/knowledge-and-resources/resources-landing-page/riba-response-to-review-of-combustible-materials-restriction>

BEST PRACTICE GUIDANCE

RIBA Chartered members and Chartered Practices engaged in work on buildings with a storey over 18m above ground level should:

- be familiar with the requirements of the Building (Amendment) Regulations 2018 (2018 No. 1230), Approved Document Part B and Material and workmanship: Approved Document 7
- understand the European classification system for construction products and building elements using test data from reaction to fire tests;
- consider the fire performance characteristics including production of smoke and flaming droplets of the key products that will make up the external wall construction;
- check the specified products' certification for fire performance (small differences in detail, such as thickness, substrate, colour, form, fixings and adhesives, may significantly affect the fire performance classification and may not be the same as the tested, certified product);
- discuss with their clients the option of applying these fire performance requirements on buildings that will be in scope of the regulatory requirement should the Government's proposals to amend the ban to include hotels, hostels and boarding houses, and lower the height threshold to buildings with a storey at least at 11 metres above ground level, be enacted. Clients may wish to consider the potential impact this may have on funding, value, saleability, mortgage lending, insurance risk etc;
- discuss with their clients the option of applying these fire performance requirements to other buildings over 18 metres above ground level not covered by the regulatory requirement or Government's proposals. Clients may wish to consider the potential impact this may have on funding, value, saleability, mortgage lending, insurance risk etc.

Notes on revisions

Introduction

- Reference to supporting documents updated to reflect consolidated Government guidance.
- Additional information added to reflect proposals set out by the Ministry of Housing, Communities and Local Government (MHCLG) in a consultation on the 'Review of the ban on the use of combustible materials in and on the external walls of buildings'.

Best practice guidance

- Additional guidance on discussing with clients the proposal set out by the MHCLG to amend the ban on combustible materials in and on the external walls of buildings (point 5).

Royal Institute of British Architects
66 Portland Place,
London, W1B 1AD, UK
Tel: +44 (0)20 7580 5533
info@riba.org
www.architecture.com

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