

Fire Safety - Extension of combustible cladding ban

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response to the Grenfell Tower fire, in November 2018 the Government introduced regulations (the “**2018 Regulations**”) intended to ban the use of combustible ACM cladding materials on high-rise residential building

Following an extended consultation period, the Building etc. (Amendment) (England) Regulations 2022 (the “**2022 Regulations**”) were laid before Parliament on 1 June 2022. The 2022 Regulations build upon the 2018 Regulations and significantly extend the scope of the ban on the use of combustible cladding materials in the external walls of specific buildings.

Overview of the 2018 Regulations

The 2018 Regulations amended the provisions of the Building Regulations 2010 and restricted the use of material in the external walls of buildings over 18 metres in height, and which contained one or more dwellings, an institution and/or a room for residential purposes, to material which achieved the two highest reactions to fire classification ((i) Class A2-s1, d0; and (ii) Class A1).

Notwithstanding the presence of similar fire safety risks to those present in residential buildings, hotels, hostels and boarding houses were excluded from the scope of the restrictions introduced under the 2018 Regulations. However, in acknowledgment of the public safety interest in the restrictions imposed by the 2018 Regulations, the Government carried out a review of the effectiveness of the restrictions and consulted on the extension of the restrictions.

The 2022 Regulations

After a detailed review of the consultation responses, the Government has decided to extend the restrictions set in the 2018 Regulations. Amongst other things, under the 2022 Regulations:

- there will be a complete ban on the use of the type of metal composite material used on the Grenfell Tower (those with an unmodified polyethylene core) to ensure it does not become part of an external wall, or specified attachment, of any new building and buildings undergoing building works, irrelevant of height use;
- hotels, hostels and boarding housing will be brought within the scope of the ban; and
- balconies, solar shading devices and solar panels will fall within the scope of the ban (subject to a limited exception for ground floor solar awnings).

The 2022 Regulations are expected to come into force on 1 December 2022 and will apply unless an initial notice or full plans have been deposited beforehand, and work has either started or starts within a period of 6 months from that date.

Burges Salmon Comment

The complete ban on the use of combustible metal cladding material, and the extension of the ban to hotels, hostels and boarding houses, introduced by the 2022 Regulations represents another significant development on the issue of fire safety. Considered in conjunction with the Fire Safety Act 2021 and the Building Safety Act 2022, the construction industry will need to significantly alter and update its practices to adapt to, and ensure compliance with, the new (and continually evolving) building safety landscape.

<https://www.gov.uk/government/consultations/review-of-the-ban-on-the-use-of-combustible-materials-in-and-on-the-external-walls-of-buildings/outcome/government-response-review-of-the-ban-on-the-use-of-combustible-materials-in-and-on-the-external-walls-of-buildings>