Department of Finance
An Roinn Airgeadais
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The Building (Amendment) Regulations (Northern Ireland) 2024

Department's Response to Public Consultation on Fire safety changes to the Building Regulations and Technical Booklet E (Fire safety), including summary of responses

October 2024

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Executive summary

The Consultation

1. There is a statutory duty here to consult the Northern Ireland Building Regulations Advisory Committee (NIBRAC) and such other bodies as appear to the Department of Finance (the Department) to be representative of the interests concerned on building regulations matters. A Part E 'Fire safety' technical sub-committee was established which included members of NIBRAC and seconded experts and personnel from industry, academia, housing and enforcement bodies of District Councils and Fire and Rescue Service. The proposed changes were discussed and developed in consultation with the technical sub-committee and main NIBRAC committee prior to issue for a targeted public consultation.
2. The Department carried out a twelve-week Public Consultation exercise from 03 July to 25 September 2023 on proposed amendments to Part E (Fire safety) of the Building Regulations (Northern Ireland) 2012 (as amended) and supporting guidance in Technical Booklet E (Fire safety). The proposals included:

    - A new functional regulation 37A in Part E to require the person carrying out the work to provide adequate fire safety information to the person who has fire safety duties in any 'relevant premises' as defined under 'The Fire and Rescue Services (Northern Ireland) Order 2006' (FRS(NI)O). The requirement will also apply to buildings containing one or more flats.
    - A new prescriptive regulation 37B in Part E to require the provision of suitable automatic fire suppression systems (e.g. sprinklers) in certain types of buildings. These buildings will be limited initially to buildings, containing one or more flats or specific purpose-built student accommodation, with a storey more than 11m above ground level. Residential care premises, including residential care homes, nursing homes, children's homes and family resident centres, will also be included, irrespective of storey height.
    - A number of changes to Technical Booklet E (TBE) (Fire safety) to –

        (i) give guidance in a new Section to the new requirement of Regulation 37A;

        (ii) give guidance in a new Section to the new requirement of Regulation 37B;

        (iii) amend the guidance for means of escape provisions to increase the fire detection and alarm coverage to all habitable rooms in all new dwellings. Also new guidance to clarify the expected coverage of fire alarm provision after an extension and/or alteration work to an existing dwelling which results in a new habitable room or kitchen being formed;

        (iv) amend the guidance for means of escape provisions in flats (including smoke ventilation requirements from the common escape routes) from reference to BS 5588-1 to the new reference of BS 9991: 2015;

        (v) amend the guidance for 'Facilities and Access for the Fire and Rescue Service' to assist firefighters in their operations of search and rescue and firefighting. These amendments include enhanced firefighting shaft, vehicle access and fire mains provisions. There

are also new requirements for emergency evacuation alert systems, wayfinding signage and secure information box provisions in buildings, containing flats, with a storey more than 11m above ground level.

3. The Department has an extensive database of names of individuals and organisations that have expressed a specific interest in building regulations and technical guidance. 396 consultation notifications were issued to various stakeholders from industry and wider interested parties and the consultation documents were published on the Department's website. The consultation was also advertised via Twitter/X and Facebook. An online webinar awareness session to clarify the proposals was held on 18 July. This was attended by 81 representatives from various strands of the fire sector, construction industry, District Councils who enforce building regulations and the Fire and Rescue Service. A narrated video outlining the proposals was posted on YouTube from 21 July and to date has 167 views. A Q&A brief of the questions asked at the webinar was placed on the Government website from 21 July.

Consultation Responses

4. The consultation received a total of 40 responses. Most respondents completed the structured consultation response form. A few responses were received in letter format. Most responses were received on the citizen space platform and a number were received by e-mail. All 40 responses were considered as part of the consultation analysis. A list of the consultation respondents is available at Annex A.

5. The breakdown of the 40 responses was as follows:

   - 16 of the responses came from various strands of the Housing, Construction, Financial/Insurance and Fire industries.
   - 9 responses came from District Councils who have responsibility for the enforcement of the building regulations through their Building Control services – 8 directly from Local Councils and 1 from Building Control Northern Ireland (BCNI);
   - 5 responses came from Professional bodies;
   - 6 responses were received from individuals;
   - 1 from Northern Ireland Fire and Rescue Service (NIFRS) and 1 from the National Fire Chiefs Council (NFCC); and
   - 2 from political parties.

6. Consultees responses were reviewed by the Department in conjunction with the Part E technical sub-committee and main NIBRAC committee.

Summary of Outcomes

7. In broad terms, the majority of the proposed amendments were welcomed by the respondents, unanimously so in relation to some amendments.

8. A lot of the questions which enjoyed majority if not almost unanimous support had comments from respondents where they expressed additional information. For instance, in support of new Regulation 37B for provision of Automatic fire suppression systems (sprinklers) to buildings with a storey more than 11m above ground, containing flats or purpose-built student accommodation, and to all residential care premises, there was a large volume of responses that wished to see

this requirement extended to a wider range of building types. Most common among the respondent suggestions were hotels; all assembly and recreation buildings; schools; hospitals and specialised housing which would incorporate sheltered housing, extra care housing and supported living.

9. The building types subject to new Regulation 37B is seen as the initial list for this requirement to apply to. It is intended to consider adding other building types to this list as part of future amendments to building regulations. These considerations will examine the evidence/research available to justify adding buildings such as hotels and specialised housing to the list.

10. One question (E3) relating to use of the term 'person carrying out the work' in the new Regulation 37A did not receive majority support. The suggestion from a number of respondents was the Regulation should be more specific in identifying who precisely is responsible for providing the fire safety information. The Department's view is that the term is commonly used throughout building regulations. It is understood by the industry and enforcement bodies alike to apply to as broad a brush of actors in the design and construction sector as possible. To be more specific would lead to possible loopholes, where no-one ends up being responsible.

11. From what was proposed at consultation, there has been a small number of adjustments due to the consultation feedback and further analysis through the NIBRAC technical sub-committee and main NIBRAC body. These are:

    - Regulation 37A will now be applied to all buildings containing flats and not just those over 11m as proposed at consultation. The Department accepted the arguments made that fire safety information regarding the fire protection measures and fire strategy in all buildings containing flats was vital, in order for the person responsible for fire safety duties in that building to maintain and operate the building safely. As this amendment was seen as being cost neutral, it was logical to extend its requirement.
    - Regulation 37B requiring AFSS in a number of limited building types will apply to a small number of extensions/alterations when one of those building types is extended and/or altered. This will only apply where Regulation 37B has been applied previously to the building (i.e. where sprinklers are fitted in the existing building when it was erected or due to a material change of use). The Regulation will still apply to the building types listed on erection and if they are formed after a material change of use, as proposed at consultation. This addition is not so much due to consultation feedback, where only a small number wished to see this occur, but this change is a development through the NIBRAC technical sub-committee and the departmental analysis processes. More extensive application of 37B to extensions and/or alterations may occur in future amendments.
    - Reference will now be made to BS 9991: 2015 for the means of escape provisions for flats in TBE. This will replace the existing provision of reference to BS 5588-1. At the same time the smoke ventilation requirements in the common escape routes in flats will also refer to BS 9991. What was proposed at consultation was to lift the provisions from BS 9991 and insert into TBE to bring TBE into line with updated smoke ventilation requirements that are applied elsewhere. Responses to this consultation proposal indicated it was a good idea to move to the updated requirements for smoke ventilation but doing it in piecemeal fashion was confusing. The overwhelming message from respondents was to refer to BS 9991: 2015 for these provisions which contained the necessary diagrams associated with the text. The consensus was this would make understanding the requirements much easier. It was also pointed out that

BS 9991 is the accepted industry standard for design of flats, in particular the means of escape provisions including smoke ventilation requirements.

- Evacuation alert sounder systems will now be required in buildings containing flats with a storey more than 11m above ground level as opposed to 18m proposed at consultation. Consultation feedback and analysis through NIBRAC technical sub-committee indicated these systems, for use by the Fire and Rescue Service, would be appropriate at 11m threshold to assist them in evacuating a building in the event of an emergency. It was felt buildings containing flats below 11m did not need these, as knocking on doors by Fire and Rescue personnel was a feasible solution to evacuate residents.
- The opportunity has been taken in this amendment to update references to a number of standards throughout TBE. In all cases this is simply referring to the up to date standard and removing the old standard that has been withdrawn by the British Standards Institution (BSI). Although not all these new standards were indicated in the TBE consultation version, through feedback and NIBRAC technical sub-committee consideration, there is agreement to update references to these standards.

12. A number of responses, particularly from organisations based in England, but also some local organisations, made the mistake of thinking these amendments were Northern Ireland's equivalent to developments in England post Grenfell Tower fire and Hackitt review of building safety. England have produced new primary legislation 'The Building Safety Act 2022' and a number of subordinate statutory instruments in their reform to the building regulatory system in England.

13. Following the Grenfell tragedy and Hackitt review, the Department of Finance for Northern Ireland commissioned an Expert Panel to review the local situation and make recommendations to improve the building safety in Northern Ireland. The Expert's Panel report was published in December 2023. It identified issues with the current system and made recommendations, many of which are consistent with the Hackitt Review.

14. The Department for Communities (DfC) established a Residential Building Safety Team to implement the recommendations of the, 'Improving Safety in High Rise Residential Buildings in Northern Ireland' expert panel report. Their intention is to develop, implement and maintain a system based on sound policy and legislation that manages the whole life of residential buildings and promotes a culture of safety.

15. Scoping exercises, research and stakeholder engagement will be carried out by the DfC Residential Building Safety team, which will include evaluating current and proposed policy and legislation across jurisdictions. This will help inform the best possible solution for NI. Work on formulating policy to support new legislation and changes to existing legislation can then get underway. Whilst it is not yet certain, they anticipate a new Building Safety Act is likely to be required for Northern Ireland.

16. A particular theme in the responses to this consultation was the issue of the need for competent persons in carrying out roles throughout the building regulatory process. DfC's Residential Building Safety team will carry out work to determine if competency frameworks or specific mandatory requirements are needed in NI. They will engage with relevant stakeholders to inform the right solution for NI.

17. These changes to building regulations here should be seen in the context of similar changes to building regulations in other jurisdictions (England, Scotland, Wales, Republic of Ireland). The broader sweeping changes to the Building Regulatory system will be considered through the Residential Building Safety Team in DfC.

18. A Final Regulatory Impact Assessment has been prepared for the proposed changes to Fire Safety. This indicates modest estimated costs of:

    - Costs to industry of £5.47m per annum; and
    - Initial familiarisation costs to industry and district council enforcement of £259.5k (first year only).

19. In conclusion, the Department intends to implement the changes in legislative requirements and associated technical guidance largely in accordance with the consultation proposals. There are some issues, however, that will require further consideration as part of future reviews of fire safety matters in building regulations.

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1. Background and introduction to amendments

1.1. The Department of Finance (the Department) has responsibility for maintaining the Building Regulations.

1.2. Building regulations apply to most building work and are made principally to ensure the health, safety, welfare and convenience of people in and around buildings, to further the conservation of fuel and power, protect and enhance the environment and to promote sustainable development. The Building Regulations currently comprise 16 'Parts', each covering a specific subject area although interrelations exist.

1.3. The current building regulations are The Building Regulations (Northern Ireland) 2012 (as amended) (the Building Regulations) and were made using powers provided in The Building Regulations (Northern Ireland) Order 1979 (as amended). It is proposed that the amendment, The Building (Amendment) Regulations (Northern Ireland) 2024, will be made using the same powers.

1.4. The Building Regulations set mainly functional requirements (i.e. they identify that a 'reasonable' or 'adequate' standard that should be attained) and are supported by Technical Booklets giving guidance, including performance standards and design provisions, relating to compliance with specific aspects of the Building Regulations for the more common building situations.

1.5. Since consolidating the building regulations in 2012, the Department has produced a further four amendments to the 2012 Statutory Rule, namely:

- The Building (Amendment) Regulations (NI) 2012, which amended Part A in relation to a procedural matter;
- The Building (Amendment) Regulations (NI) 2014, which amended Part F (Conservation of fuel and power);
- The Building (Amendment) Regulations (NI) 2016, which introduced a new Part M (Physical infrastructure for high-speed electronic communications network) and made very minor amendments to legislative text to Part F (Conservation of fuel and power); and
- The Building (Amendment) Regulations (NI) 2022, which introduced a new regulation 23(2) in Part B (Materials and workmanship) requiring the use of non-combustible materials as part of external walls and specified attachments of certain 'relevant buildings'. It also amended Part C (Site preparation and resistance to contaminants and moisture) for the definition of 'radon affected area'.

1.6. The changes proposed in this amendment gives the detail of the Department's intention to amend Part E (Fire safety) of the Building Regulations and the accompanying guidance set out in Technical Booklet E (TBE). We recognise the need for extensive change to fire safety standards established throughout TBE. The Department is committed to producing a new revised TBE in the longer term as part of a future package of changes. However, we recognise that there are issues that should be addressed more quickly. Particular influence on our priorities are on-going changes in fire safety standards in other regions (England, Scotland, Wales and Republic of Ireland); the Phase 1 report recommendations from the Grenfell Tower Inquiry and any further relevant recommendations from Phase 2 of the Inquiry report published on 04 September 2024.

1.7. The amendments as part of this package in the main relate to fire safety changes in buildings containing flats (Purpose group 1a buildings), to provide assurance and additional safety measures to residents. Other measures are aimed specifically at assisting the Fire and Rescue Service to ensure they can provide an effective operational response. Where appropriate, the opportunity has been taken to extend some of the new requirements further beyond just buildings containing flats e.g. requiring automatic fire suppression in care homes, nursing homes, children's homes and student accommodation, where the evidence is clear they offer a substantial benefit to life safety in comparison to the costs involved. Some of the amendments implement, in part, some of the Grenfell Tower Inquiry's Phase 1 recommendations in relation to evacuation alert sounder systems, wayfinding signage and secure information boxes provisions.

1.8. The consultation prioritised those issues primarily affecting medium to high-rise residential buildings. In regulatory terms, two new regulations for Part E of the building regulations were proposed. The amendments to Building Regulations and the associated technical guidance booklet will address these issues in legislation and supporting guidance. The amendment includes:

i. A new Regulation 37A will require adequate fire safety information is made available to the person responsible for fire safety duties in a building (owner/occupier), at the completion of the construction stage and handover of the building for occupation. Being able to identify and document what fire safety measures have been incorporated into the building and what fire safety design assumptions have been made, will be of benefit to those responsible for operating and maintaining the building for fire safety purposes when the building is occupied.

ii. A new Regulation 37B will require the provision of suitable automatic fire suppression systems (e.g. sprinklers) to inhibit fire spread in certain types of buildings. Following the Grenfell Tower fire of June 2017 there have been many calls from various sources for a wider application of automatic fire suppression systems to various building types, predominantly residential. The proposed new regulation will acknowledge the role sprinkler system installations play in reducing the risk to life, particularly in residential type properties.

1.9. In terms of TBE guidance, the consultation also asked for views on proposals to change TBE in a number of areas. The amendment includes:

i. A new Section 7 will give guidance to the new regulatory requirement for 'Fire safety information';

ii. A new Section 8 will give guidance on sprinklers to the new regulatory requirement for 'automatic fire suppression systems';

iii. Amendments to guidance in Section 2 'Means of Escape' to extend the coverage of smoke alarm provision to all habitable rooms in new dwellings. Also new guidance to clarify the expected fire detection and alarm system to be provided when an existing dwelling undergoes an extension and/or alteration work which results in a new habitable room or kitchen being formed;

iv. Amendments to Section 2 'Means of Escape' to refer to BS 9991: 2015 'Fire safety in the design, management and use of residential buildings. Code of practice' for updated guidance to ensure adequate smoke ventilation from the common escape routes (lobbies /corridors/ stairways) in blocks of flats;

v. Changes to Section 6 'Facilities and Access for the Fire and Rescue Service' to assist firefighters in their operational duties of search and rescue and firefighting. A number of these changes are to replicate equivalent changes that have

occurred in other regions, which were based on evidence from commissioned research at the time of the change (i.e. Firefighting shaft provision, fire vehicle access distances and fire mains provisions). The other changes are to implement, in part, recommendations from the Phase 1 report of the Grenfell Tower Inquiry. These include provision of wayfinding signage, provision of evacuation alert systems and provision of secure information boxes. All three of these items are now mandated for under equivalent fire safety guidance provisions in England and Scotland; and

vi. Revision to a number of standards referenced in TBE. Only some standards have been revised, mainly those associated with the changes that are part of this amendment package. A more detailed revision of all standards will occur in the production of a new TBE as part of a future phase of changes.

2. Overview of the consultation

2.1. There is a statutory duty here to consult the Northern Ireland Building Regulations Advisory Committee (NIBRAC) and such other bodies as appear to the Department to be representative of the interests concerned on building regulations matters. A Part E 'Fire safety' technical sub-committee was established which included members of NIBRAC and seconded experts and personnel from industry, housing and enforcement bodies of District Councils and Fire and Rescue Service. The changes were developed in consultation with the technical sub-committee and main NIBRAC committee prior to issue for a targeted public consultation.

2.2. The purpose of the consultation was to obtain comments and views of interested parties on proposed changes to Part E and as a consequence Part A of the Building Regulations, and associated guidance in Technical Booklet E.

2.3. The Department carried out a twelve-week consultation exercise from 3 July to 25 September 2023 on the proposed changes. The Department has an extensive database of names of individuals and organisations that have expressed a specific interest in building regulations and technical guidance. 396 consultation notifications were issued to various stakeholders from industry and wider interested parties and the consultation documents were published on the Department's website. The consultation was also advertised via twitter and Facebook. An awareness webinar to clarify the proposals was held on 18 July 2023 and subsequently an awareness video was placed on YouTube and referenced on the Government website alongside a Q&A brief from the webinar. The webinar was attended by 81 individuals from various professional bodies of the construction industry, local district councils and related fire sector. The video has been viewed 167 times to date.

2.4. The consultation was divided into 24 questions. The first two questions (A1 and A2) asked respondents about the proposed consequential changes to Part A of the Building Regulations due to changes in Part E. The next 8 questions (E1 to E8) were specific to the amendments proposed to Part E of the Building Regulations. There were 12 questions (TBE1 to TBE12) about the proposed amendments to Technical Booklet E. A single question IA1 gave respondents the opportunity to comment on the consultation version Regulatory Impact Assessment associated with the changes and a final question (G1) to give opportunity for respondents to submit any additional or general comments.

2.5. The consultation received a total of 40 responses. Most respondents completed the structured consultation response form. A few responses were received in letter format. Most responses were received on the citizen space platform and a number were received by e-mail. All 40 responses were considered as part of the consultation analysis. A list of the consultation respondents is available at Annex A.

2.6. The breakdown of the 40 responses was as follows:

- 16 of the responses came from various strands of the Housing, Construction, Financial/Insurance and Fire industries. These included NI Housing Executive; NI Federation of Housing Associations; Construction Employers Federation (CEF); Rockwool Ltd; Property Consultants; Zurich Insurance Group; Association of British Insurers; British Automatic Fire and Sprinkler Alliance (BAFSA); European Fire Sprinkler network (EFSN); Digital Fire and Security/NI Fire and Security Employers Federation; Institute of Fire Safety Managers; BB7; IFC; the

Fire Industry Association (FIA); the Fire Sector Federation; and the UK Atomic Energy Association (UKAEA);

- 9 responses came from District Councils who have responsibility for the enforcement of the building regulations through their Building Control services – 8 directly from Local Councils (Fermanagh & Omagh District Council, Newry Mourne & Down District Council, Belfast City Council, Lisburn & Castlereagh City Council, Ards & North Down Borough Council, Armagh City, Banbridge & Craigavon District Council, Mid Ulster District Council, Causeway Coast & Glens Borough Council) and 1 from Building Control Northern Ireland (BCNI);
- 5 responses came from Professional bodies which were: Royal Town Planning Institute (RTPI); Royal Society for Ulster Architects (RSUA); Chartered Institute of Building (CIOB); Propertymark and the Chartered Institute of Housing (CIH);
- 6 responses were received from individuals;
- 1 from Northern Ireland Fire and Rescue Service (NIFRS) and 1 from the National Fire Chiefs Council (NFCC); and
- 2 from political parties – Sinn Fein and the Alliance Party.

2.7. The percentages of respondents answering the 24 questions in support and opposing the proposals are set out in Table 1 below.

2.8. Consultees responses have been reviewed by the Department in conjunction with the NIBRAC Part E technical sub-committee and main NIBRAC committee. The summary of responses to each question and Department Response are documented in this paper.

Table 1

Question Number	Total Responding	Supporting the proposal		Opposing the proposal		No view	
A1	40	33	83%	3	7%	4	10%
A2	40	30	75%	5	12.5%	5	12.5%
E1	40	32	80%	4	10%	4	10%
E2	40	28	70%	7	17.5%	5	12.5%
E3	40	16	40%	18	45%	6	15%
E4	40	34	85%	2	5%	4	10%
E5	40	26	65%	10	25%	4	10%
E6	40	26	65%	10	25%	4	10%
E7	40	28	70%	4	10%	8	20%
E8	40	27	68%	9	22%	4	10%
TBE1	40	26	65%	6	15%	8	20%
TBE2	40	31	78%	4	10%	5	12%
TBE3	40	33	83%	1	2%	6	15%
TBE4	40	24	60%	8	20%	8	20%
TBE5	40	26	65%	6	15%	8	20%
TBE6	40	29	73%	2	5%	9	22%
TBE7	40	28	70%	3	8%	9	22%
TBE8	40	30	75%	1	3%	9	22%
TBE9	40	27	68%	4	10%	9	22%
TBE10	40	32	80%	1	2%	7	18%
TBE11	40	32	80%	0	0%	8	20%
TBE12	40	29	73%	1	2%	10	25%
IA1	40	17	43%	5	12%	18	45%
G1	40	n/a	n/a	n/a	n/a	n/a	n/a

3. Summary of consultation responses and Department Response

3.1. A large number of respondents wished their responses to remain confidential. This summary of responses document has respected those wishes in summarising responses in a format ‘a respondent said’ or ‘some respondents felt’ etc.. Views of some respondents such as the NI Fire and Rescue Service, and local District Councils who are responsible for enforcing building regulations, (and did not express the wish for their responses to remain confidential), have been highlighted where appropriate.

3.2. The Department response to the consultation responses for each question is shown in lilac for ease of reading.

4. Part A 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?*

Question Number	Total Responding	Yes		No		Not answered	
A1	**40**	**33**	**83%**	**3**	**7%**	**4**	**10%**

4.1. The amendment will mean any relevant premises or building containing one or more flats formed after a material change of use, will be subject to new regulation 37A. The majority of respondents supported the proposal with the following comments:

- The NI Fire and Rescue Service who are responsible for enforcement of fire safety standards in relevant premises under the Fire and Rescue Services (NI) Order, welcomed the new requirement. In their experience owners/managers of relevant premises did not hold the necessary information to be able to effectively manage fire safety in their building. They felt this new Regulation would help to maintain the golden thread of relevant fire safety information for active and passive fire safety measures in a building from conception, design and construction through to use and maintenance.
- A professional body suggested not implementing the requirement could lead to greater likelihood of injury or death due to a fire incident. Another respondent representing housing associations said there are clear benefits in having fire safety information made available to the person responsible for a building. The Fire and Rescue Service representative body highlighted how critical it is for the safety of the people in and around a building that the fire safety information is communicated to the owner, occupier, end user so that building can be operated and managed correctly.
- Some respondents misunderstood that this question only related to buildings formed as a result of a material change of use.
- One respondent suggested it should not be possible to carry out alterations to a building without providing information on those alterations to persons with fire safety duties.
- One individual suggested a minor or minimal change of 10% or less in the building structure should not require the application of Regulation 37A and that this determination should be done by a qualified fire risk assessor.
- Some respondents suggested this requirement should be retrospective to be applied to existing buildings.
- A respondent did suggest the amount of information should be proportionate to the scope and nature of the building involved, which the Regulation does require in the wording 'adequate'.
- Concern was expressed by a number of respondents who thought the number of storeys should be stipulated in the Regulation as opposed to or alongside the storey height requirement. They felt this would deter game playing by some

designers who would deliberately design just centimetres under the storey height threshold in order to avoid having to meet the requirement. They argued inserting a number of storeys as the criteria would be beneficial in giving clarity for designers, contractors, owners, occupiers, responsible persons.

- A number of respondents suggested the new requirement of 37A should be extended to include all buildings of any height containing flats and some suggested to all buildings as broadly as possible. It was highlighted by one respondent that fire risk is considerably higher in buildings over 18m/6 storeys than in other residential blocks of any height (respectively 43 fires to 9 fires per 1000 buildings). One respondent suggested the scope of buildings should be kept under review with the intention of broadening the types of buildings covered by the requirement in future.
- Some District Councils suggested the proposed amendment of Table 8 and Notes to Table 8 as drafted did not apply the new requirement to certain 'Cases' (ii, iv and xii) of material change of use. It was also suggested by some the notes to Table 8 should make reference to the term 'relevant premises'.
- A number of District Councils thought the definitions associated with the new Regulation which are as defined in the Fire and Rescue Services (NI) Order 2006 (FRSNIO) should be incorporated within the Technical Booklet E such as in an appendix. They highlighted Articles 50 and 52 of the FRS(NI)O which requires exploration of Articles 25 – 30 to get the concise definition, which ranges from agent, contractor, applicant, CDM co-ordinator etc.
- A couple of respondents thought there would be confusion over the use of terms 'relevant premises' and 'relevant buildings', which will both now be used in the Building Regulations. Another respondent displayed this confusion by suggesting "relevant premises" should match the definition for 'relevant building' as used in England and Wales and include hotels, hostels and boarding houses.
- One respondent felt the use of the term 'one or more flats' would be problematic.
- One respondent suggested the proposed regulations here appear to be predominantly based on the threshold 11m+ whereas in England they are based on 18m+.
- An unrelated view to the question was expressed on Regulation 9(b) in Part A of the Building Regulations for the giving of Building Notices for flats. The respondent felt this Regulation needs amended so a building notice cannot be accepted for building work involving a material change of use in relation to an existing flat but should instead only be acceptable for dwellinghouses. They argued internal alterations to a flat can have a profound impact on common escape routes and that building notices are thus inappropriate when a holistic design should be considered for the whole building.

DEPARTMENT RESPONSE

4.2. New Regulation 37A will apply to relevant premises and buildings containing one or more flats. The requirement will not just apply after a material change of use but also to new builds and existing buildings subject to an extension and/or alteration work. In the case of an alteration and/or extension, guidance will clarify the fire safety information required should only relate to the work involved where it has an impact on the fire safety strategy of the building. New regulation 37A will not apply retrospectively to existing buildings.

4.3. Rather than applying to buildings containing flats, with a storey more than 11m above ground level, Regulation 37A will apply to all buildings, containing one or more flats, with a storey of any height. This will alleviate some concerns highlighted in consultation responses regarding the potential for designs to be just centimetres below a threshold height of 11m to avoid having to comply.

4.4. Regulation 8 ‘Application to material change of use’ will be amended. The Table to Regulation 8 and the Notes to the Table will be amended to reflect as clearly as possible the different cases of material change of use new Regulations 37A and 37B will apply to.

4.5. The definitions for ‘fire safety duties’ and ‘relevant premises’ will be referenced out to their correct definition in the Fire and Rescue Services (NI) Order 2006. Some cross referencing with other Articles for these definitions occurs within that Order. This approach is in keeping with the protocol applied to many definitions used in the Building Regulations.

4.6. Use of the term ‘relevant premises’ is crucial in regulation 37A to provide the link to the Fire and Rescue Services (NI) Order 2006. The term will only be applicable in 37A. The term ‘relevant building’ in the building regulations is only applicable in regulation 23(2) and relates to a completely different requirement.

4.7. These amendments to Building Regulations are unrelated to the Building Safety Act in England which extended their requirements under the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023 to include hospitals, care homes and domestic properties with two or more residential units. The requirement of Regulation 37A here, will apply to relevant premises and any building with one or more flats.

4.8. Regulation 37A, to which this question relates, is the equivalent of Regulation 38 in England which does not specify a height threshold for application. Similarly, 37A will not have a minimum height threshold.

4.9. The issue of limiting the use of a building notice to dwellinghouses only on alteration work under Regulation 9(1)(b) would be considered as part of any overall review of Part A ‘Interpretation and general’ of the building regulations in the future.

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?*

Question Number	Total Responding	Yes		No		Not Answered	
A2	40	30	75%	5	12.5%	5	12.5%

4.10. New regulation 37B will require a suitable automatic fire suppression system in certain buildings which are formed after a material change of use. These buildings will be limited to buildings, containing flats or Purpose-built student accommodation, with a storey more than 11m above ground level; and all residential care premises. The majority of respondents supported the proposal with the following comments made:

- A number of respondents recognised the role automatic fire suppression plays and commented that the new Regulation 37B was a step forward in fire safety which would help provide greater harmony with other UK jurisdictions and would further protect occupants of the new residential type buildings on the list. They also commented this Regulation would improve the safety and perception of safety for all occupants in these buildings;
- It was recognised by respondents that this new Regulation would save lives and reduce injuries along with the associated benefits of protecting property and reduce impact due to fire on the environment;
- A number of respondents highlighted the issue of relying solely on passive protection and constructional detailing with a material change of use which in the majority of cases can be perplexing and difficult to achieve;
- A number of respondents highlighted the associated benefits of property protection and the lesser impact of fire on the environment;
- A number of District Councils commented that greater clarity was required to avoid ambiguity regarding Part A and the Table to Regulation 8 ‘Application to material change of use’. They pointed out Table 8 is the go-to location that designers will use to identify the requirements applying to a change of use. This requirement may not be picked up by designers prior to RIBA stage 4. It is imperative that requirements such as this are considered as early as possible. They requested clarity is given to avoid confusion within the industry, especially with designers at the concept stage of a project.
- One respondent wished to see the requirement be retrospective to all multi-occupancy buildings;
- One respondent wished to see the threshold of the height of the building being used as opposed to the upper most storey height. They also wished to see a number of storeys (3) cited in the regulation alongside the building height. They said stipulating the number of storeys alongside building height would improve clarity for designers, contractors, owners, occupiers, responsible persons, regulators and others. Limiting the number of storeys would also reduce the potential for game-playing, where buildings may be claimed to be a matter of centimetres under the storey height threshold;
- One respondent pointed out the trigger height of 11m and list of buildings 37B would apply to was not consistent with the call from professional bodies. That call went further for the inclusion of buildings such as hospitals, hotels and schools;

- An individual suggested hotels, dormitories and detention centres should be added to the list of 37B for fear of arson from disgruntled asylum seekers or protestors;
- The NI Fire and Rescue Service pointed out this would enhance public and firefighter safety and felt buildings which are extended or modified should also be subject to this requirement as those subject to a material change of use;
- A respondent, although recognising this would help to increase the proportion of the built environment and in particular the buildings on the list to benefit from increased fire safety standards provided by sprinklers, suggested older buildings would be at a higher risk after a material change of use due to created voids and compartmentation issues.
- One respondent commented on sprinkler provision in Schools. They cited analysis from a study which found the average school posed a fire risk 1.7 times greater than non-residential buildings, and that schools were three times more likely to fall into the “high” fire risk category. The study also found that many schools lack the equipment needed to prevent small fires becoming major disasters. Of more than 1,000 school inspections carried out by them, 66% were rated as having ‘poor’ fixed fire protection systems, such as sprinklers, which are proven to significantly reduce the damage caused by fire.
- A respondent queried if prescriptive regulation rather than guidance was the right approach. They commented for some changes of use for some relatively low-rise buildings, a mandatory requirement for sprinkler provision was unnecessary where significant other fire safety measures were already in place and could also lead to the development being unaffordable. They suggested a guidance approach where the holistic Fire Strategy for the building is considered may be a better approach than a regulation where sprinklers must be provided.
- A respondent suggested often buildings formed by a change of use require high levels of compartmentation. This is particularly true for flats which rely on a stay put strategy. It can be difficult to assess or confirm this at critical junctions or interfaces and so provision of sprinklers will provide extra resilience to the design.
- The same respondent suggested that for change of use particularly to historic buildings with sleeping accommodation, the threshold of 11m is reduced;
- One respondent questioned the application of this new requirement to buildings containing ‘one or more’ flats and suggested it should be for high rise buildings with ‘two or more’ residential units, in line with guidance introduced in England post Grenfell. They felt the requirement with ‘one or more flats’ is potentially very onerous for premises where a ‘caretaker’ or other apartment accommodation is planned, in both new and existing buildings where a change of use may take place. As example, if Belfast City Council planned to put a caretaker apartment into the City Hall, they suggested this would appear to require the entire building to have a fully commercial sprinkler installation (with associated plant, commercial sprinkler tank and backup generators etc.) to be installed in addition to the much more easily installed domestic sprinkler installation that would serve the actual apartment. They argued this would not be proportionate in either a new or an existing building, particularly as such non-residential buildings tend to be managed and will have very different fire safety strategies including full evacuation and fully lobbied staircases which changes the risk profile.

- One respondent commented 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.
- A respondent in agreeing with the application of new Regulation 37B to new builds and buildings formed as a result of a material change of use felt it should be made clear the requirement is not retrospective and that there is no unacceptable risk to existing premises in these types of buildings which are not currently sprinklered.
- A respondent welcomed Regulation 37B applying to changes of use and commented that regardless of whether a residential building is newly constructed, or it is a result of conversion from a previous use (e.g., an office), occupants should be provided with the same level of protection.
- This same respondent highlighted the possibility of building work being undertaken which includes adding stories to a building. This could result in buildings already containing flats or student accommodation not previously within the scope of Regulation 37B becoming buildings on the prescribed list, newly meeting the 11m height threshold. To ensure that the standard of fire protection for the occupants of the new accommodation is equivalent to what would be provided for a new building, they argued sprinklers should be provided in both new and existing parts of such buildings. They then went further and expressed the view that the application of Regulation 37B should be extended to cover any works that are covered by Building Regulations (e.g., extensions and refurbishments) regardless of whether that work is considered a material change of use or not.

DEPARTMENT RESPONSE

4.11. The prescribed list of buildings Regulation 37B will apply to will be limited to buildings, containing one or more flats or purpose-built student accommodation, with a storey more than 11m above ground level and all residential care premises. This new Regulation is aimed at addressing sprinkler provision in the highest risk type buildings first. The list may be added to with other building types in future revisions to building regulations where evidence becomes available to justify the costs associated with their provision. Future revision will consider other building types such as schools, hospitals, hotels, dormitories and detention centres.

4.12. Regulation 37B will apply to new builds, those formed by a material change of use and a number of certain types of alterations and/or extensions to existing buildings but only where Regulation 37B has been applied to the building previously.

4.13. The threshold for application of Regulation 37B for buildings containing one or more flats and purpose-built student accommodation will remain related to the top storey height of the building as the most appropriate metric. This is a common reference in building regulations requirements and relating the requirement to number of storeys in the building or overall height of the building or a combination of all three would not bring clarity but rather lead to confusion for designers and enforcers alike.

4.14. Regulation 8 ‘Application to material change of use’ will be amended. The Table to Regulation 8 and the Notes to the Table will be amended to reflect as clearly as possible the different cases of material change of use new Regulations 37A and 37B will apply to.

4.15. In the list of buildings specified under Regulation 37B, it is felt a guidance approach considering the holistic fire strategy of the building would lead to a lot of such buildings having automatic fire suppression systems designed out. Making this a prescriptive requirement for these higher risk type buildings, means their provision is mandatory, irrespective of any other fire safety measures being present. It builds in some resilience to the design, particularly for those buildings formed by a material change of use where those important other fire safety measures such as compartmentation may be more difficult to establish or verify.

4.16. These amendments to Building Regulations are unrelated to the Building Safety Act in England which extended under the Higher-risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023 to include hospitals, care homes and domestic properties with 'two or more' residential units. The requirement of Regulation 37B will apply to buildings with 'one or more' flats. The example given by one respondent of the formation of a single apartment in a large office type building would not necessitate the fitting of a fully commercial sprinkler system to be installed throughout the whole building. Rather as a part of a building subject to a material change of use, only that part (i.e. the caretaker apartment) would be required to comply with new Regulation 37B. All building work or material change of use can apply to a whole building or part of a building. If part of a building is subject to a material change of use to which Regulation 37B will apply, it is only that part which is subject to 37B, not the whole building. Regulation 2(4) in Part A of the building regulations states any reference to a building shall extend to and include any part of a building.

4.17. Regulation 37B will not apply to existing buildings retrospectively and introducing this new requirement does not mean there is an acceptable risk to existing premises in these types of buildings which are not currently sprinklered.

4.18. Regulation 37B will apply to a limited type of alterations and/or extensions to existing buildings, namely those where 37B has been applied to the building previously. The scenario of stories being added to an existing building bringing it within scope of the 11m threshold would be a relatively uncommon situation. This type of extension needs to be seen through the application of Regulation 7 'Application to alterations and extensions' of the building regulations. The extension itself needs to be considered and the building as affected by that extension. It is felt that automatically applying Regulation 37B to all extensions would be too onerous. If applied to all extensions, some would view the whole building as requiring sprinklers, not just the extension, and others just the extension. This would depend on individual circumstances for each case and subjective opinion would be involved.

4.19. The Department intends to implement new Regulation 37B and apply it to buildings on the prescribed list which are formed after a material change of use.

5. Part E Questions

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?*

Question Number	Total Responding	Yes		No		Not answered	
E1	40	32	80%	4	10%	4	10%

5.1. The amendment will require the provision of fire safety information to the person responsible for fire safety duties in a building at the handover stage when a building has completed construction and before occupation, whichever is the earlier. There was majority support for the proposal with the following comments received:

- Some respondents expressed the view to extend the scope of the Regulation to apply to all residential buildings and especially all blocks of flats of any height.
- A number of respondents including the NI Fire and Rescue Service expressed the view that the proposed wording of new regulation 37A appeared to support occupation of a building prior to all fire safety measures being completed. Several responses stated that buildings should not be occupied until all works associated with building regulations compliance are fully installed and commissioned. Several respondents including a number of District Councils suggested an adequate period of time should occur between completion of works and occupation to allow the 'as built' information to be disseminated and understood. Another respondent suggested at least 3 weeks between supply of information and handover for occupation.
- The golden thread was highlighted by a number of respondents. One highlighted the need for the construction industry to change and that the right culture was needed to support the change. They highlighted the 'golden thread' as identified by Dame Judith Hackitt in her report into the 'Independent Review of Building Regulations and Fire Safety', published after the Grenfell fire. They reiterated the contents of her report which highlighted the need for "robust record keeping, with a digital golden thread' of key building information running through all phases of design, construction and occupation". Another respondent commented in the context of the golden thread, the requirement for accurate and up-to-date records of project data should apply to all buildings. They referred to an industry survey which supported such a move, in particular to be applied to healthcare buildings, care homes and schools. Another commented in the context of the 'golden thread' and Gateways to Building Safety that occupation of a building should be avoided until the necessary inspections/checks are done.
- A few respondents questioned who will be responsible to collate and provide the required information and who will be responsible for fire safety duties in a multi-dwelling residential building. They stated there are multiple types of tenancies and ownership structures, and Northern Ireland does not have any legislation defining this for these buildings.
- Two respondents felt all necessary certification/documentation and information should be as specified by the building owner/occupier for all building types and

given in writing in conjunction with their nominated competent person in accordance with the Fire Safety Regulations (NI) 2010.

- A number of respondents commented this requirement should be linked to issuing of a building completion certificate. It was suggested Building Control should collate and provide the information and link it to the issuing of the building completion certificate. On the contrary, others argued it should not hold up the issuing of the building completion certificate for fear of costs and delays to projects.
- A couple of respondents commented that their experience in England of this same requirement (Regulation 38), indicated variation in terms of quality and magnitude for the information handed over. They indicated it is not always the case that the information has been given to those responsible for fire safety in a building. They stressed the importance of providing the information before the building is occupied.
- One respondent made comment on the need to standardise the information as the information can vary greatly in magnitude and quality. In that regard they made comment on the proposed guidance to this new Regulation in Section 7 of TBE.
- One respondent highlighted that it will be Building Control's role to simply receive a notice in writing to confirm the requirements have been met. They highlighted Articles 50 and 52 of the Fire and Rescue Services NI Order 2006 which requires exploration of Articles 25 – 30 to get the concise definition for the person with fire safety duties in a building and that can range from being the agent, contractor, applicant, CDM co-ordinator etc.
- One respondent questioned if simply giving a notice in writing to the council will satisfy the requirement of the regulation if the plans or design is incomplete or defective in demonstrating compliance. They posed the question - how can a person/organisation operate the building in reasonable safety as a consequence? This same respondent questioned the guidance in Section 7 of Technical Booklet E (Fire safety) to the new Regulation 37A. They commented that the absence of the fire code/reference document that the building is designed to as crucial under 'essential information'. They suggested the key features of the design highlighting any deviations and compensatory measures should be provided. The same respondent quoted the Hackitt report in relation to 'gateways' and suggested plans approval should be required in building regulations legislation prior to commencement of work and that pre-completion inspection should be carried out before occupation. They argued occupation should only be possible if the pre completion inspection did not identify any significant issues.
- One respondent suggested the new regulation is premature and that the responsible person in buildings needed to be legislated for like under the Building Safety Act in England. They commented that design teams are quite often unaware of the owner or management of a building on completion and thus the responsibility for transfer of this information should rest with the building owner or developer commissioning the building in all building types. They suggested recipients of the information should then be required to pass this on to defined dutyholders.
- A number of respondents commented on the new definitions associated with Regulation 37A and felt these should be readily available in TBE rather than a reference out to the. The Fire and Rescue Services (NI) Order 2006.

- One respondent felt the information should be provided at the earliest opportunity to allow those responsible for fire safety to be prepared and familiar with the risks before occupiers would be at risk. They felt providing information before completion of the works where occupation occurs was helpful to ensure the safety of occupants.
- One respondent thought the new Regulation would have benefit in providing greater consistency across the UK wide building safety regulations which would help in supporting larger developers to meet their fire safety obligations.

DEPARTMENT RESPONSE

5.2. The equivalent Regulation 38 in England to this new Regulation 37A came into force in England in 2007. It was seen then as a new aid of fire safety information for those with fire safety responsibilities under the Regulatory Reform Fire Safety Order 2005. Similarly, Regulation 37A for here is aimed at providing that same aid for those with fire safety duties under the Fire and Rescue Services NI Order 2006.

5.3. New Regulation 37A is not intended as a substitution for the need to legislate here for a golden thread of information to be maintained through the phases of design, construction and occupation of a building. It is aimed at supporting that concept for the future and assisting those responsible for fire safety duties in a building with having the necessary fire safety information from the design and construction phases of a building.

5.4. A future legal requirement for a 'golden thread' of information, similar to the legal requirement in England under the Building Safety Act 2022 and supporting secondary legislation, remains to be realised here. Any such golden thread will likely require dutyholders and accountable persons to create, obtain, update, maintain and share information throughout the lifecycle of a building (design, construction, handover and completion, occupation). Regulation 37A will assist in that information by requiring the 'as-built' fire safety information at the handover stage between design/construction and occupation. Guidance published by the Construction Leadership Council 'Delivering The Golden Thread' – Guidance for dutyholders and accountable persons' is now available for high risk buildings under the HRB regulatory regime in England.

5.5. The wording of the Regulation requires the fire safety information to be handed over prior to completion of the works or before occupation, whichever is the earlier. To alleviate some concerns in consultation feedback, guidance in Section 7 of TBE will be provided to clarify a building should not be occupied prior to all relevant fire safety measures are in place.

5.6. The definitions associated with this new Regulation will refer back to the Fire and Rescue Services (NI) Order 2006 precisely because of the extent and cross referencing that occurs within that legislation. Outsourcing to other legislation is not new for full definitions. Many definitions used in building regulations reference out to other legislation for precision reasons.

5.7. Responsibility for provision of the information will fall on the 'person carrying out the work'. This is a common term used throughout the Building Regulations which designers and enforcement bodies are familiar with (see Question E3). Guidance will be provided to clarify the person with fire safety duties in a building containing flats will ordinarily be the landlord, the freeholder or management agent for the building. A

new Section 7 of guidance will be provided in TBE outlining the type of standard information that should be provided to satisfy this new Regulation.

5.8. It will not be for District Councils to assess the adequacy of the fire safety information provided, simply to receive notification that the information has been handed over. The guidance in Section 7 to the new Regulation is only an example of the type of information required and is not exhaustive. The information under this Regulation will not only complement the fire safety strategy for the building but also any fire safety information held in any fire safety code/manual for the building.

5.9. For 'relevant premises' under the Fire and Rescue Services (NI) Order 2006, those responsible for fire safety duties are outlined in the various Articles of that legislation. For buildings containing flats, guidance will be given in Section 7 of TBE indicating the person with fire safety duties will ordinarily be the landlord, the freeholder or management agent for the building.

5.10. Under Regulation 14 'Completion Certificates' in Part A of the building regulations, District Councils are required to issue a certificate where the relevant requirements of Regulation 9 have been satisfied and they have ascertained that relevant requirements of building regulations have been satisfied. Compliance with Regulation 37A will be a relevant requirement of building regulations and hence will need to be complied with prior to the Council issuing a completion certificate.

5.11. Ideally, under building regulations, plans approval should occur before any commencement of work. Unfortunately for practical reasons, this is not always the case. Any requirement to prevent commencement of work prior to plans approval would involve a change to the primary legislation in building regulations. – 'The Building Regulations (NI) Order 1979 (as amended)'. Pre-completion inspections prior to occupation are not a statutory requirement under building regulations.

5.12. The Department will implement new Regulation 37A, which will apply to all 'relevant premises' as defined under the Fire and Rescue Services (NI) Order 2006 and all buildings containing one or more flats.

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?*

Question Number	Total Responding	Yes		No		Not answered	
E2	**40**	**28**	**70%**	**7**	**17.5%**	**5**	**12.5%**

5.13. Regulation 37A will apply to 'relevant premises' as defined under the FRSNIO and buildings containing one or more flats irrespective of storey height. There was a consensus of support for the scope of buildings proposed however there was a lot of support to extend the scope, in particular to all buildings containing flats irrespective of storey height. The comments included:

- One respondent suggested adding a square meterage measurement to the qualifying criteria also.
- A respondent was concerned 4 storey residential buildings would not be deemed 'relevant premises' if the 11m trigger height was defined as proposed. They believed 4-storey residential buildings (which may have 'building heights' exceeding 16m) should be subject to the proposed, higher standards of fire safety. They proposed the 11m trigger height (for a building containing one or more flats) be defined by the height of the building, not the height of the uppermost storey. They further proposed that the limiting number of storeys be stipulated alongside building height. They argued stipulating the number of storeys alongside building height would improve clarity for designers, contractors, owners, occupiers, responsible persons, regulators and others. Limiting the number of storeys would also reduce the potential for game-playing, where buildings may be claimed to be a matter of centimetres under the height threshold.
- One respondent felt the 11m limit may have to be omitted in some instances based on the fire compartmentation of the premises and the difficulty the fire services may encounter when having to intervene on the premises.
- An individual respondent believed that while in most instances the scope suggested would be satisfactory, many buildings under 11m provided residential accommodation for vulnerable or persons of restricted mobility and that they justified being brought within the scope of the regulations. They commented that hotels used to house migrants may not have 24-hour staff and this is another factor to be considered. They referenced the Research Document by BAFSA "The Fire Risks of Purpose-Built Blocks of Flats: an Exploration of Official Fire Incident Data in England" for further insight.
- A number of respondents including the NI Fire and Rescue Service stated the requirement should be extended to include any building containing one or more flats, regardless of storey height. The NI Fire and Rescue Service argued even in ground floor premises, the front door of a flat must be maintained as a fire door, and this information should be provided to the building manager. They stressed this information that is to be provided is essential to be able to effectively manage fire safety in buildings containing flats.
- A number of District Councils submitted similar responses in agreeing with the scope and had no adverse comment to make. They felt this development would provide greater harmonisation with other UK jurisdictions. They commented all relevant research and firefighting statistical information supported the 11m

threshold. It was highlighted a rewording of Regulation 37A was needed to avoid using the word 'creates' in the context of a material change of use and alterations and extensions. They argued as the term 'building work' within building regulations is defined and includes extensions, alterations etc, relating the Regulation to applying only in the situation of 'creating' the building was confusing and incorrect. They stated if the intent was to apply this to building work which includes also extensions or alterations, then it should not read as a building just in the situation of where it is created.

- A couple of respondents thought a list of the type of premises the Regulation applies to should be provided in Technical Booklet E. They suggested this could be incorporated as an Appendix to assist designers and other relevant persons involved in design and construction having full information on when this regulation applies.
- One respondent submitted that the Regulation should apply to all residential buildings and especially blocks of flats. They also said it should be clarified who will have the responsibility to collate and provide the information and that building control should review and accept the documentation prior to issuing of a building control certificate. They proposed that the necessary certification/documentation and information should be as specified by the building owner/occupier in writing in conjunction with their nominated competent person in accordance with the Fire Safety Regulations (NI) 2010.
- A respondent submitted it was appropriate to operate with as broad a scope of buildings as is practicable as many of the risks to safety are broadly the same regardless of the size of the building. They referred to evidence heard at the Grenfell Inquiry and the findings of the Independent Review of Building Regulations and Fire Safety conducted by Dame Judith Hackitt. They stated that there are systemic and cultural failures within the industry that need to be tackled across the board. These range from procurement and lack of accountability, to quality control and competency. They backed the measures outlined in the Hackitt review to be applied more widely across construction, rather than limited to higher risk residential buildings, but acknowledged that rapid changes to the scope of the building safety regime will have capacity and logistical implications for industry. In acknowledging those practical difficulties for the implementation of a new building regulatory regime, they expressed concern that emphasis on height alone fails to account for other risk factors such as buildings that accommodate vulnerable people. They expressed support for the proposals in the draft Building Safety Bill that starts with the narrower definitions but which are capable of being extended regularly through revisions to secondary legislation, after suitable reviews, to bring a much wider range of buildings into the scope of the enhanced regulatory regime. They pointed to statistics in NI of private residential buildings over 11m being 174. They stated that 65 of those were over 18m. This compares to approximately 12,500 residential buildings over 18m in England. They suggested that Northern Ireland could expand the scope of the Building Safety Regime to apply to all multi-occupancy residential buildings with minimal difficulty, and they strongly encouraged the Northern Ireland Assembly to take this opportunity to apply changes more widely.
- An individual respondent commented that the provisions in both Scotland and Wales go further. They stated in NI, the 11m threshold constitutes only a small section of the housing stock and it is likely that designers of medium rise buildings would use this as a maximum height where possible to avoid the costs associated with an additional floor or two. This person further stated that time to

flashover in a compartment fire has decreased significantly in the past twenty years, average Fire Service response time vary in relation to location and additionally there has been an upsurge in incidents involving Li-ion batteries.

- A respondent felt the decision on this question should be based on research & implications on design. They gave an example where student accommodation could be designed as per a hotel with two staircases and may have high floor-to-ceiling heights, whereas other similar student accommodation could be designed for a single stair building. They suggested that possibly number of floors should also be considered alongside uppermost floor height in the criteria.
- A respondent expressed concern about the definitions associated with this Regulation, however agreed that provision of fire safety information is valuable for the safety of all building occupants and should be provided for all buildings. They cautioned that this was subject to clarification of the quality of information provided and who the recipient of such information should be.
- A respondent in agreeing with the definition of relevant premises for what would be covered within the scope of buildings for this Regulation commented they had made previous calls for fire safety measures to be extended to buildings under 18 metres in height in England. They welcomed the threshold height of 11m for Northern Ireland especially since there are fewer residential buildings with a height of 18 metres in Northern Ireland. They stated a height of 11 metres provides a clear cut-off point between Houses in Multiple Occupation (HMOs) and blocks of flats, however in England there is confusion between how building height is calculated and instances and arguments have been made about whether or not particular buildings come within the scope of new fire safety requirements as a multi-occupied building. To curtail this, they encouraged 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 were a certain number of residents/units within that property despite it not being 11 metres in height.
- Another respondent in agreeing with the proposed scope did not believe buildings containing flats that didn't meet the 11m threshold should be exempt from this regulation. They believed the requirement should apply to buildings containing two or more flats, regardless of height. They argued the provision of a building's fire safety information is necessary to enable effective management and is relevant to all buildings from day one. They stated if it is proposed that in the case of buildings over 11m, persons with fire safety duties would be provided with this information, then for buildings under this height, the proposal has the effect of putting the onus on the same person to seek this information out. They submitted that most of the information required by Regulation 37A should already have been generated throughout the course of the design and construction of the building. The onus should always be on those responsible for designing a building to share information required to manage that building safely. They viewed the consultation as not including any rationale for this proposed exemption and said low-rise residential buildings (i.e., under 11m), particularly those that deviate from prescriptive design guidance and incorporate elements of fire engineering design, inherently require management considerations and expectations and it is critical that this information is provided to those with fire safety duties upon occupation. They thought it was critical, this information is provided to allow the Fire Service to review layouts and confirm that access arrangements were adequate.

- Another respondent simply said the provision of fire safety information was critical for proper fire safety management throughout the lifecycle of the building.
- There was comment around the definitions associated with 37A and that these are written out in TBE rather than the user having to look at The Fire and Rescue Services (NI) Order 2006.

DEPARTMENT RESPONSE

5.14. The new regulation will be applied to all buildings containing flats irrespective of storey height. The issue of building height, top-most storey height or number of storeys will not be a concerning factor as highlighted by a number of respondents. The 11m threshold will not apply in relation to this Regulation. Regulation 37A will simply apply to all buildings containing one or more flats and all relevant premises as defined under the FRS(NI)O.

5.15. Regulation 37A has been reworded to avoid the use of 'creates'. The Regulation will apply to buildings in scope which are new builds and buildings formed after a material change of use. It will also apply to existing buildings which are extended and/or altered where the information required should only relate to the work involved where it has an impact on the fire safety strategy of the building. This will be made clear in guidance to the Regulation.

5.16. A suggestion to list all relevant premises as defined under the FRS(NI)O would be quite extensive. It is better to refer to the precise definition in legislation of 'relevant premises' in the FRS(NI)O. This is common practice in building regulations to avoid potential loopholes.

5.17. The Regulation will apply to all blocks of flats and all other residential buildings as defined as relevant premises under the FRS(NI)O. The person carrying out the work will be required to provide the information and, within 5 days, notify the District Council. Building Control in the District Council will be required to receive the notice from the person providing the information that they have fulfilled their requirement of providing adequate fire safety information to the person with fire safety duties in the building.

5.18. Under Regulation 14 'Completion Certificates', District Councils are required to issue a certificate where the relevant requirements of Regulation 9 have been satisfied and that relevant requirements of building regulations have been satisfied. Compliance with Regulation 37A will be a relevant requirement of building regulations and hence will need to be complied with prior to the Council issuing a completion certificate.

5.19. A number of responses, particularly from organisations based in England but also some local organisations, viewed these amendments as Northern Ireland's equivalent to developments in England post Grenfell Tower fire and Hackitt review of building safety. England have produced new primary legislation 'The Building Safety Act 2022' and a number of subordinate statutory instruments in their reform to the building regulatory system in England.

5.20. The Department for Communities (DfC) has established a Residential Building Safety Team to implement the recommendations of the expert panel report (the panel was established here to consider the Hackitt Review and developments in England). Their intention is to develop, implement and maintain a building regulatory system that manages the whole life of residential buildings and promotes a culture of safety.

5.21. On responses to this consultation on the issue of competency, for those involved throughout the building regulatory process, DfC's Residential Building Safety team will carry out work to determine if competency frameworks or specific mandatory requirements are needed in NI. They will engage with relevant stakeholders to inform the right solution for NI.

5.22. The Department will implement new Regulation 37A and apply to all 'relevant premises' as defined under the FRS(NI)O 2006 and all buildings containing one or more flats.

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?*

Question Number	Total Responding	Yes		No		Not answered	
E3	**40**	**16**	**40%**	**18**	**45%**	**6**	**15%**

5.23. The 'Person carrying out the work' will be responsible for providing the fire safety information to the appropriate person with fire safety duties for buildings in scope of the new regulation 37A. There was a narrow majority disagreeing with the use of this term, with most wishing to see a more specific individual identified to be responsible. The following comments were received:

- One respondent thought it should be a legal requirement that the person who is the "person responsible for fire safety duties" is fully competent to do so. They commented they would require fully certified training by a recommended course as well as an accredited qualification with experience to be able to take up this role. They thought the person involved in this role should be a specialist and the building owners could employ a specialist contractor to carry out this responsibility. They stated this person should also be fully competent to carry out a full fire risk assessment. They expressed the view there should be a regulatory body where someone can report an issue to and that body should have the power to fine and or close buildings that are not compliant.
- One respondent preferred if the term 'competent person' was used instead.
- A respondent suggested the 'responsible person' needed to be defined.
- One respondent felt this brought parity with England's equivalent regulation 38, which uses the same term.
- The NI Fire and Rescue Service thought a definition of the "person carrying out the work" would assist to identify who this refers to.
- A number of District Councils were of the opinion that provision of such information is clearly the responsibility of the person fulfilling duties associated with a role carrying overall responsibility for the design/construction phase. They stated this person should be responsible for ensuring the organising/preparation of this information through all the relevant parties involved in the design and construction phase. They stated they were unaware of any challenges or issues brought about with regard to this wording as used in England and Wales since equivalent Regulation 38 was introduced. They highlighted Regulation 12 in Part A of the Building Regulations which refers to the term `Builder`. They argued whilst the builder may have some of the information and knowledge to help formulate a package of relevant information, a duty needed to be placed on a person with fire safety responsibilities. They pointed to the Hackitt Report which highlighted the lack of transparency within the industry regarding fire safety and the lack of ownership/responsibility for fire safety from conception to completion of the works.
- A respondent thought the term was too general and needed to be more precise. They thought it should be specified in writing at commencement of the development who this person would be. They cited the development of the BSI Flex 8670 standard – 'the Built environment – Core criteria for building safety in competence frameworks – Code of practice'. They said it was developed in

conjunction with the Independent Review of Building Regulations and Fire Safety following the Grenfell Tower tragedy led by Dame Judith Hackitt. They stated current British Standards refer to and recommend that persons carrying out tasks on fire safety systems should be competent and the British Standards definition of a competent person is a person with relevant current training and experience and with access to the equipment and information in order to be capable of carrying out a defined task. They pointed to UKAS approved third party accreditations to assess the competency of individuals (Licence to Practice). They stated anyone with access to the third-party accreditations can log onto the database and confirm the training and competency skills of everyone working or carrying out an investigation, report and or working on a fire system. They strongly believed that the individuals competency skills and requirements should be imbedded in the new Building Control and Fire Safety legislation. They informed of a third-party competency card for Fire Safety Technician in operation in Northern Ireland and their support for such a competency skills accreditation.

- One respondent said there needed to be regulations and safeguards in place to ensure that the 'person carrying out the work' at the end of the building lifecycle who is providing the information, actually has a full grasp of all the information relating to building safety and materials relating to the 'relevant premises'. They said there are many actors involved through the stages of the design and build process and not one single 'person carrying out the work'. Consideration needed to be given to how the person responsible for providing the fire safety information could access all relevant information, particularly in cases of insolvency where any business in the process of design and/or build goes out of business. In their view, the absence of good quality building records was a concern, which is especially important with regard to maintenance, alteration and refurbishment works.
  They stated there needs to be a safety-focused culture at all stages of a building's lifecycle. Coherent and consistent central and local government policies and guidance would give direction and promote a fire-safety culture through policy levers, encouraging the idea that it is the responsibility of all actors involved in the 'end-to-end process' to create a safe environment for occupants, from commissioning stage through to demolition.
  The roles, responsibilities, accountabilities and competence requirements of those involved in the whole process of the building lifecycle needed to be clearly identified, defined and understood, with a central system for specifying, recording and monitoring competency requirements and accreditations for all actors involved in the design and build of 'relevant premises'. This system should include a series of integrated 'approval gateways' that any new build 'relevant premises', or existing 'relevant premises' proposing major alterations, needed to pass through, in order to proceed to subsequent stages in the procedural system. Many fire and associated building safety issues arise due to a lack of appropriate approval, certifying or inspection in 'the end-to-end process'. They concluded these measures can then go some way to ensuring that fire safety measures are in place and that the fire safety information provided by the 'person carrying out the work' at the end, will be comprehensive, robust and accurate.
- An individual respondent said the use of generic words, particularly "person carrying out the work" was not acceptable. They thought the top hierarchy (HSE Manager or CEO or Business Head Etc) of the organization should be clearly stated to avoid any ambiguity. They wished to see the company/contractor's responsible person carrying out the work specified in the regulation. They argued

the position of the Company's / Contractor's responsible and authorized person would never be vacant at any time. In the event of a vacancy, this role would be assigned to the immediate higher-up in the hierarchy, until the vacancy was filled.

- Another respondent highlighted The Building Safety Act in England which puts in place specific dutyholder roles, and they agreed with that direction of travel. The said the skills and knowledge needed to manage and provide information on relevant buildings was not trivial and the role requirements should reflect this. They then informed the launch of a Level 6 Diploma in Building Safety and Management, which is designed for construction professionals moving into this key dutyholder role. They stated the qualification develops the knowledge and skills needed to manage the safety of relevant buildings in occupation, and has been released in conjunction with the CIOB Level 6 Certificate in Fire Safety for Construction, which is designed for a range of professions – including dutyholder roles and those working on higher-risk buildings.
  They informed of other organisations that have also begun to prepare for the implementation of this new role. They have been working closely with the Local Authority Building Control (LABC) to develop vocational qualifications for the Building Control discipline to improve competency in the sector. They informed there is a range of level 3 to 6 qualifications in Building Control, covering technical administration, domestic building control, high-rise and commercial building control as well as specialisms such as fire safety, legislative compliance, management of building control and safety at sports grounds and other public events. Formal learning content has been academically accredited and validated by CIOB and the University of Wolverhampton. They noted that this course is also open to private sector building control professionals, as well as those in the public sector. They offered to provide a more in-depth overview of the other training courses that they offered to members.
- A respondent simply said a clearer definition of person would be of benefit to allow clarification of tasks and responsibility on completion of works.
- An individual respondent said a person responsible for fire safety such as a Fire Engineer or Architect should be liaising with the person carrying out fire safety responsibility.
- One respondent said a lot would depend on the procurement system and design responsibility, e.g. design and build contracts etc. However, in the main if the person carrying out the work was the ‘builder’ in a traditional role then no they thought they should not have the responsibility for providing this information. They would certainly have a role to play in confirming certain things.
- Another response also said the person carrying out the work is a term associated with a definition provided in regulation 12 of the Building Regulations for ‘builder’. Similar to other responses they commented whilst the builder may have some of the information and knowledge to help formulate a package of relevant information, a duty needed to be placed on a person with responsibilities. They recommended that the responsibility to provide this information should be clearly laid upon the person fulfilling duties associated with a role carrying overall responsibility for the design/construction phase. It should be the responsibility of this person to organise preparation of this information through the relevant actors involved in the design and construction phase. They did recognise there is a wider piece of work required to define and associate responsibilities to roles for fire safety in NI during design and construction to allow this to happen.

- A response cited one of the main findings of the Hackitt Report warned that a lack of clarity on roles and responsibilities when it comes to building safety was one of the circumstances that led to the Grenfell Tower disaster. They said a lack of prescription in terms of responsibility had allowed a complete abdication of responsibility for building safety issues. They suggested more prescription on this part of the regulation might be helpful, and suggested a duty holder should be named.
- A respondent who agreed with the use of the term 'person carrying out the work' in the regulation also stated that it is likely there will be more than one person carrying out the work in many projects and none may have the level of Fire Safety understanding needed. They suggested this information needed to be collated by a competent professional who legally signs it off i.e. a signature on a certificate which should already be the Principal Designer under CDM. They said this proposal needed the same consideration of duty holders as has been made in England. They suggested the scope of change proposed was incomplete and likely to add confusion and uncertainty which could diminish the impact of the proposed changes unless a specific duty holder is identified.
- Another respondent encouraged greater specificity, 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. They recommended instead to use similar language as that used in the Building Safety Act, which is the "principal contractor" or "principal designer". They said this would make it clear that the individual in charge or most knowledgeable about the works is responsible for providing the necessary information. They suggested to improve flexibility for who should provide the information, the regulations could specify "principal contractor, principal designer or a qualified individual acting on their behalf".
- Another respondent who agreed with the use of the term 'person carrying out the work' said it is a commonly understood term in Building Regulations to mean the client and/or his (or her) agents, including any building acting on his (or her) behalf. They also said the person carrying out the work should be competent to do so, and it is essential that competency is defined in the regulations/legislation.
- One respondent in neither agreeing nor disagreeing with the use of the term 'person carrying out the work' acknowledged that the term 'person carrying out the work' is already used within legislation to refer to other requirements of the Building Regulations. Furthermore, they added it is recognised that the wording of such a term needed to capture all scenarios and arrangements, and trying to be more specific may result in the creation of loopholes.
- One respondent said to avoid confusion and for clarity, it is recommended that the 'person carrying out the work' is defined in the regulations/guidance.

DEPARTMENT RESPONSE

5.24. The person carrying out the work is a common term used throughout building regulations for other requirements. It is not defined for the reason that it needs to capture a broad range of actors for all scenarios and arrangements. Trying to be more specific in relation to this requirement may result in the creation of loopholes. Using the term 'competent person' would still leave the situation of a need to define what is meant by competent person for this role.

5.25. Some respondents confused the term ‘responsible person’ which is used in fire safety legislation in England under the Regulatory Reform Fire Safety Order 2005 with the ‘person carrying out the work’. The equivalent here to the responsible person in England would be the person with fire safety duties under the FRS(NI)O.

5.26. On respondents citing the term ‘builder’ in Regulation 12 of Part A of the building regulations, although that individual may have some relevant information to provide in relation to fire safety requirements, he/she is not the appropriate person to make responsible for this requirement.

5.27. The Department agrees with a number of respondents that a wider range of work of reform to the building regulatory system here is needed to consider developments in England through the Building Safety Act including competency in the sector.

5.28. The recently created Residential Building Safety Division in DfC will be considering a review of the regulatory system here. Their intention is to develop, implement and maintain a building regulatory system that manages the whole life of residential buildings and promotes a culture of safety. DfC's Residential Building Safety team will carry out work to determine if competency frameworks or specific mandatory requirements are needed here. They will engage with relevant stakeholders to inform the right local solution.

5.29. The Department will proceed with the term ‘person carrying out the work’ in Regulation 37A. Although it would be ideal to be more specific and identify a person responsible, not defining allows a capture of a broader range of actors for all design and construction scenarios and arrangements. Trying to be more specific may result in the creation of loopholes.

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?*

Question Number	Total Responding	Yes		No		Not answered	
E4	**40**	**34**	**85%**	**2**	**5%**	**4**	**10%**

5.30. This new Regulation will require the installation of a suitable automatic fire suppression system (sprinklers) in all residential care premises, buildings, containing flats or Purpose-built student accommodation, with a storey over 11m. There was a large majority that responded in favour of the new Regulation with the following comments being made:

- One respondent thought these systems should be linked into an automatic fire detection system. This would enable monitoring of faults on the sprinkler system, monitoring of the priority demand valve and reporting of any faults to the person in charge through remote monitoring systems. They stated if the fire alarm system is activated and or the sprinkler system, then one another can be programmed in such a way that it notifies users, residents and people of responsibility. They suggested this should be required in all multi occupancy buildings.
- One respondent said an automatic fire suppression system should be designed and installed by competent persons, with competent persons as defined in the HSE guidance as a qualified, experienced and knowledgeable person in automatic fire suppression systems.
- One respondent simply said ‘not before time’.
- A respondent agreed with the buildings on the list as suitable presently but said a further piece of work should be considered that reflects a broader range of buildings with a sleeping risk for Automatic Fire Suppression Systems (AFSS). They also wished to see retrofitting of sprinklers to existing buildings, particularly residential to be considered. They stated their organisation was advancing the retrofitting of sprinklers in respect of its high-rise residential buildings initially 18.0m and above. They referred to the NFCC position statement guidance which highlighted retrofitting of sprinklers is recommended to existing buildings extending down to 11.0m and above, and that these should be undertaken on a “risk assessed basis”. They concluded that all of this should be mandatory.
- The NI Fire and Rescue Service said the term sprinklers should be used instead of suitable automatic fire suppression systems in the regulation. They stated sprinklers were currently the only accepted method to ensure that fires are suppressed or even extinguished before the fire service can arrive. They save lives and reduce injuries, protect firefighters who attend incidents and reduce the amount of damage to both property and the environment from fire. They also said installation of sprinklers in a residential building should cover the whole building, in accordance with the relevant British Standard, and not just a specific area or purpose group.
- Another respondent said the regulation should ensure that it meets the following- where sprinklers are provided it is normal practice to provide sprinkler protection throughout the building. Sprinklers in flats should be provided within the individual flats, they may also need to be provided in the common areas such as stairs, corridors or landings when these areas may be not fire sterile or cannot be

maintained as such.
They also commented there are many alternative or innovative fire suppression systems available. Where these are used, it is necessary to ensure that such systems have been designed and tested for use in buildings and are fit for their intended purpose and installed in accordance with the relevant British Standard by companies competent to design and install such systems using only components approved for the purpose. They said the regulations should consider specifying that installers and designers of sprinkler systems should have appropriate third-party certification. They stated their organisation requires this to help to ensure the competence of its members and staff and quality of the work they undertake.

- A number of District Councils welcomed the requirement for automatic suppression systems in apartment buildings and Purpose-built student accommodation over 11m in height, and in all residential care homes. They liked the mandatory nature of this requirement which would ensure these systems must be incorporated in these buildings and could not be designed out. They liked the prescribed list as outlined in the regulation which would provide a greater level of life safety in these buildings and greater harmony with other UK jurisdictions. They suggested a further consideration of more prescriptive regulations will bring clarity to requirements for critical life safety systems and construction details.
  They cited some statistics which indicated fatalities and injuries appear to occur in the existing stock of residential buildings. They highlighted statistical information provided by Wales Fire Service 2020/21 which seen the greatest number of fatalities since 2011 (21) compared to Northern Ireland which had 8 fatalities in the same period, up from 3 the previous year. They acknowledged the research and statistical fire information which recognised the current role sprinkler systems play in reducing the risk to life for residents and firefighters.
- An individual said two of the three building types referred to in Regulation 37B (i.e. buildings containing flats or Purpose-built student accommodation) were not subject to the Fire and Rescue Services NI Order 2006. They questioned what was the proposals for enforcement of maintenance and testing regimes of these systems as required by the British Standard. They said it can be hard to determine who bears the costs for such systems in these types of buildings. They stated it is not uncommon to find a number of different owners/ landlords/ tenants in such buildings. They asked how is it proposed to identify the responsible person.
- One respondent had an indifferent opinion in that they viewed this requirement as an additional safety level, whereas on the other hand believed it removed the ability to demonstrate the holistic fire strategy for the building. They suggested guidance and not regulation would be a better approach on this.
- In contrast a respondent said prescriptive requirements bring clarity to all involved as to how compliance must be achieved and they were fully supportive of this approach. They requested that consideration be given to preventing any application for dispensation or relaxation of this regulation.
- Another respondent thought automatic fire suppression systems were a vital provision and agreed these should be mandatory. They wished to see consideration made to improve the safety of disabled and mobility-impaired residents in high-rise buildings and therefore thought the suitable automatic fire suppression systems should take this into consideration. They commented this included people with a range of support needs, including people with hidden

disabilities and impairments, people with sight or hearing loss, people with cognitive impairments and people with substance misuse problems etc.

- One respondent in agreeing with this regulation thought there may be cases where fire suppression systems cannot be installed within some properties. In these cases, they encouraged the regulations should specify alternative solutions that would achieve the same or similar outcomes to automatic fire suppression systems.
- A respondent agreed with the requirements for fire suppression systems in certain types of buildings under regulation 37B and the prescriptive nature of the regulation as this would remove any scope for misinterpretation. They highlighted sprinkler systems would reduce the life risk within high rise buildings and buildings that specially house older and more vulnerable persons. They also said additional benefits would occur due to the reduced property damage to the overall building. They concluded by saying NI should reflect practice elsewhere and they noted that standards differ in Scotland and Wales.
- A respondent in supporting the provision for sprinklers wished to see it extended to all new and converted residential buildings, hotels, hospitals, student accommodation, schools and care home buildings of any size. They stated that considerations of risk should not just be determined by the height of a building. They stated the benefits of automatic sprinkler systems - their ability to reduce fire spread which results in both a reduction in the risk to life as well as a reduction in the level of fire or smoke damage to the property.
- One respondent in agreeing stated experience has shown that where the "requirement" exists only within guidance, developers will almost always avoid including the required provision. Including it within regulations provides assurance that the benefits of sprinklers will be realised within in-scope buildings. They continued that although recognising use of the term automatic fire suppression systems (AFSS), they believed sprinklers were the only suitable AFSS for buildings in the scope of Regulation 37B. They commented it would be the role of the guidance in TBE to provide further clarity on what constitutes suitable. They also stated that the installation of sprinklers or any other AFSS in a residential building should cover the whole building, in accordance with the relevant British Standard, and not just a specific area or purpose group.
- A respondent in supporting the proposal to provide a new prescriptive regulation in Part E, to require the provision of suitable automatic fire suppression systems (e.g., sprinklers) in buildings containing flats and specific purpose-built student accommodation (both with a storey more than 11m above ground level) and all residential care premises (including residential care homes, nursing homes, children's homes, and family resident centres), irrespective of storey height, highlighted the benefits of sprinkler systems in providing protection to residents, property and fire fighters who respond to incidents.

DEPARTMENT RESPONSE

5.31. New Regulation 37B is seen as the first step in requiring Automatic fire suppression systems (AFSS) in certain higher risk building types. The Department agrees this new regulation does not go as far as Scotland or Wales in AFSS provision. The broader range of building types those jurisdictions require AFSS to be installed in will be considered for future additions to Regulation 37B where evidence/research becomes available on sprinkler costs and benefits in those buildings.

5.32. Retrofitting AFSS to existing buildings in a lot of circumstances requires bespoke solutions for the building involved with costs varying greatly. Building regulations requirements can only be triggered when building work or a material change of use is intended through an application to the enforcing body of District Councils.

5.33. Although the Regulation requires suitable AFSS, the guidance to this regulation in TBE will specify sprinklers as currently the only suitable type of AFSS to satisfy the regulation. That is not to say other innovative products may come on the market in the future which are not sprinklers but may give an equivalent performance to sprinklers. The use of AFSS in the regulation future proofs it for such eventuality.

5.34. The guidance in TBE to this regulation will state the sprinkler system should be installed to the relevant British Standard BS 9251 or BS EN 12845. Sprinkler coverage to buildings should be decided through consideration of the recommendations in each standard by the sprinkler designer to ensure the system is appropriate for the building and its occupancy. BS 9251 gives recommendations for sprinkler coverage to staircases and other communal areas (fire sterile or not under the fire strategy report). Sprinkler systems should also be designed by a competent person as stated in the relevant standard.

5.35. Where alternative systems to sprinklers are proposed, the guidance will state they should be designed and tested and fit for their intended purpose and installed by companies competent to design and install such systems. Third party accreditation for installers would be one way of demonstrating competence.

5.36. In relation to the 3 building types specified in the Regulation, there should be no reason why AFSS should not be installed in these buildings. The regulation will only apply to new builds, those formed after a material change of use and a qualified number of extensions/alterations in the future where the regulation has been applied to the building previously.

5.37. Provision of AFSS in buildings, containing flats, with a storey more than 11m above ground level will provide additional time for means of escape, limit fire spread and hence fire growth/size and not only be of benefit to all residents irrespective of ability but also to firefighters attending.

5.38. By making this a prescriptive requirement for these higher risk type buildings under 37B, means their mandatory provision despite any other fire safety measures being present. It builds in some resilience to the design, particularly for those buildings formed by a material change of use where other important fire safety measures such as compartmentation cannot be established or verified in many cases.

5.39. Building regulations can only require the installation of such systems as part of the design and construction process. Continued maintenance and testing of such systems will fall to the person with fire safety duties under the FRS(NI)O and for other buildings which are not covered by the FRS(NI)O, to those responsible for fire safety duties. For buildings containing flats the guidance will indicate this is ordinarily the landlord, freeholder or managing agent for the building.

5.40. The Department has considered amending Regulation 17 ‘Application for dispensations or relaxations’ of Part A of the building regulations to prevent District Councils from dispensing with or relaxing Regulation 37B. The Department thinks the judgement to dispense or relax this requirement should not be taken away from District Councils as part of their enforcement.

5.41. The Department will proceed with implementing Regulation 37B for the prescribed list of buildings. Review of the list will occur as part of future amendments to Part E of the building regulations.

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

Question Number	Total Responding	Yes		No		Not answered	
E5	**40**	**26**	**65%**	**10**	**25%**	**4**	**10%**

5.42. New Regulation 37B will apply to buildings containing flats and purpose-built student accommodation (both building types with a storey more than 11m above ground level). It will also apply to all residential care premises, irrespective of storey height.

5.43. There was majority support for the scope of buildings as proposed with those answering 'no' suggesting the Department go further and apply the new regulation to a broader range of buildings. The following comments were received:

- A respondent said it should be required in all multi occupancy buildings and it should be retrospective so it does not just cover new buildings.
- One respondent proposed that buildings used as places of assembly or entertainment, of any height, be included within the scope of buildings proposed under new regulation 37B. They believed this due to the evacuation challenges posed by their size, configuration and function; together with the make-up and density of their occupation, including occupants' ability to self-evacuate from a crowded and potentially confused environment. This respondent was also concerned that 4-storey residential buildings would not be included on the prescribed list of buildings in regulation 37B if the 11m trigger height was defined as proposed. They believed 4-storey residential buildings (which may have 'building heights' exceeding 16m) should be subject to the proposal and the higher standards of fire safety. They proposed the 11m trigger height (for a building containing one or more flats or purpose-built student accommodation) be defined by the height of the building, as described by Diagram B.4 of Technical Booklet E - Fire Safety, not the height of the uppermost storey. They went further and suggested this method of defining the 11m trigger height should be adopted throughout The Building Regulations and Technical Booklet E. They then proposed the limiting number of storeys be stipulated alongside building height in regulation 37B and as appropriate elsewhere in Building Regulations and Technical Booklet E, to read 'more than 11m or three storeys above ground level'. They concluded stipulating the number of storeys alongside building height would improve clarity for designers, contractors, owners, occupiers, responsible persons, regulators and others. Limiting the number of storeys would also reduce the potential for game-playing, where buildings may be claimed to be a matter of centimetres under the height threshold.
- A respondent simply agreed with the scope of buildings with the proviso that hotels would be addressed in the near future.
- One respondent said the scope of non-residential buildings to follow BS EN 12845 will be conflicting when only parts of the building have to be protected by sprinkler systems. They stated BS EN 12845 Section 5.1.1 requires all areas of a building to be protected with only minor exceptions. They suggested there needed to be a mechanism put in place to extend the exception of this standard to allow an acceptable sprinkler system to be designed and installed.
- One respondent agreed with the scope however recommended a further piece of work is considered that reflects a broader range of buildings for AFSS Provision.

They stated these should align with those stated in the NFCC position statement guidance (schools, hospitals, car parks etc.)

- An individual said Hotels, Detention Centres and Dormitories should probably be brought within the scope of these regulations as they are increasingly being used as residential accommodation for homeless families and migrants often with a skeleton staff or no staff at night when residents are at their most vulnerable.
- The NI Fire and Rescue Service, in agreeing with the scope of buildings to which this Regulation would apply, said it would increase the number of people in Northern Ireland protected by sprinklers and reduce the risk of death or injury by fire, the risk of fire spread and the risk to firefighters attending any fire in the premises. They also wished to see this scope extended to all new and refurbished storage and warehouses above 4,000 square metres; all schools; and all hospitals.
- One respondent commented it was a start and they would like to see sprinklers required across the built environment but understood that this regulation was a step forward.
- A number of District Councils agreed with the proposed scope as set out in the new Regulation 37B and understood the resources and time required to update any guidance or create new functional/prescriptive requirements. They requested that this matter is reviewed further to consider how the scope of this regulation could be widened to create maximum benefit. They suggested additional buildings within purpose group 1 and 2 which contain a sleeping risk would be obvious areas to focus on initially.
- One respondent suggested an overall holistic timely approach be considered looking at a total review of TBE.
- A respondent said it is appropriate to operate with as broad a scope of buildings as is practicable as many of the risks to safety are broadly the same regardless of the size of the building. They referred to the Grenfell Tower fire and stated it has become clear through evidence heard at the Grenfell Inquiry and the findings of the Independent Review of Building Regulations and Fire Safety that there are systemic and cultural failures within the industry that need to be tackled across the board. These ranged from procurement and lack of accountability, to quality control and competency.
  They backed the measures outlined in the Hackitt review to be applied more widely across construction, rather than limited to higher risk residential buildings, but acknowledged that rapid changes to the scope of the building safety regime would have capacity and logistical implications for industry.
- An individual disagreed with the 11m rule and believed that an approach similar to Scotland would be more appropriate. They stated the 11m rule was based on the working height of a Fire Service 13.5m ladder and the assumption that persons in smaller buildings can be rescued by ladder. They commented that given the increased fire loading in modern compartments (largely due to cellulose based products), attendance time for the Fire and Rescue Service and the time taken to get a 13.5m ladder to work, the 11m threshold was providing a level of comfort where below 11m it was unlikely to deliver.
- A respondent simply said all buildings with a sleeping risk should be considered, such as hospitals, hotels, etc.
- A respondent who fully supported the provision of sprinklers in residential care premises and Purpose-built student accommodation in both new and change of use scenarios also supported the recommendation for sprinklers in buildings with

flats above 11m. However, they requested a rationale for its application to a building containing 'one or more flats with a storey above 11m above ground level' in both a new build and a change of use scenario. They stated that in England, all guidance introduced since Grenfell, around High-rise buildings was for premises with 'two or more residential units' though regulation 37B proposed this was reduced to a single unit in NI. They believed the requirement with 'one or more flats' is potentially very onerous for premises where a 'caretaker' or other apartment accommodation is planned, in both new and existing buildings where a change of use may take place.
An example they gave was an existing large office type building which planned to put a caretaker apartment into it that this would appear to require the entire building to have a fully commercial sprinkler installation (with associated plant, commercial sprinkler tank and backup generators etc) to be installed in addition to the much more easily installed domestic sprinkler installation that would serve the actual apartment. They stated this did not feel proportionate in either a new or an existing building, particularly as such non-residential buildings tended to be managed and would have very different fire safety strategies including full evacuation and fully lobbied staircases which would change the risk profile. Their final point was in relation to costs where they stated sprinkler systems can require sprinkler tanks and backup generators which is difficult in most instances in NI meaning smaller schemes may be aborted due to the costs incurred.

- Other respondents simply agreed with the scope of buildings that would fall under regulation 37B.
- One respondent who did not agree with the scope of buildings as proposed, expressed the view that staffed single storey (or split level) care homes which are designed for progressive internal horizontal evacuation and have the ability in a last resort to evacuate directly to the outside, pose no significant risk and therefore should not be subject to this proposal.
  Another respondent again, while agreeing with the scope of buildings proposed, stated their view that consideration of fire risk should not be constrained to arbitrary height limits such as 11m but should take into account factors such as the occupancy of the building, vulnerability of occupants, the construction of the building, any work activities that may increase the risk of fire and how materials are used and stored.
- A lengthy response from an organisation agreed that the proposed Regulation 37B should include residential buildings over 11m and residential care premises. However, they stated they would like to see the scope of the regulation extended to include a number of other buildings in line with the recommendations from the NFCC's Automatic Water Suppression Systems Policy Position Statement, which was due to be published and they stated they had campaigned for increased sprinkler provision throughout the UK. Firstly, they cited storage and warehouses above 4,000 square metres should be added to the scope of Regulation 37B. They stated these buildings typically have a high storage density, which can result in fires of such size that they are difficult or impossible for the Fire and Rescue Service to access and conduct manual firefighting operations. They were concerned about how fires in storage and warehouses can quickly spread and cause widespread damage, as well as closing nearby transport links. The disruption and destruction caused by these fires can result in a significant impact on the country's economy. They stated mandatory installation of sprinklers in storage and warehouses should be triggered at a threshold of 4,000 square metres as they found this to be the size limit after which it is difficult to undertake effective rescue. They further said this could be supplemented by different

thresholds for sprinkler installation depending on the type of material stored in a storage building or warehouse that would be below the threshold of 4,000 square metres.
Secondly, they stated all new and refurbished schools should be added to the scope of Regulation 37B. They stated adding sprinklers to all school buildings is a cost-effective method to ensure the safety of property and more importantly the lives of students, teachers, and firefighters. This would bring the regulation into line with already existing requirements in Wales and Scotland.
Thirdly, they cited refurbished residential care premises. While welcoming the inclusion of all new residential care premises within the scope of Regulation 37B, they stated they would like to see all refurbished residential care premises added to the scope too. There said there have been several high-profile fires in care homes in recent years. In these cases, it was not possible for the Fire and Rescue Service to fully mitigate the effects of serious fires that resulted in multiple life losses, injuries, and/or major property damage. They said in many of those cases, there were no sprinkler systems in place.
Fourthly, they said specialised housing should also fall under Regulation 37B and thus be fitted with sprinkler systems, including supported living, sheltered housing, and extra care sheltered housing. The said the nature of the risk in specialised housing is similar to residential care premises and suffers from the same management and staffing issues. They said the reliance on management is a fundamental issue that should be considered when assessing the safety of residents within these premises for the purposes of new regulations.

- Fifthly, they said hospital buildings are at increased risk of fire due to - a high concentration of people, patients with limited mobility, reliance on staff to assist with evacuation (some wards are not highly staffed during night-time hours when people are more at risk due to sleeping), complex building layouts and the presence of combustible material including oxygen tanks and alcohol-based antiseptics.
  They said fires in these buildings would result in a significant loss to society and its ability to look after patients in our communities. A key protection measure that is demonstrated to mitigate these risks or impacts, and prevent multiple fatalities or injuries, is provision of a sprinkler system. They stated new hospitals should be included within the scope of Regulation 37B.
  Lastly, they called for the mandating of sprinklers in certain existing residential buildings. Like other responders they stated whilst height does not equal risk, they have consistently called for a requirement to retrofit all existing residential buildings in England over 18m or seven storeys with sprinklers if served by a single staircase, along with existing residential buildings over 11m on a risk-assessed basis. They stated sprinklers can buy crucial additional time in firefighting operations and can help ensure that evacuations are not necessary in the first place, but importantly they also assist those that need to or wish to evacuate during a fire incident. They said Regulations should avoid any single point of failure in a building. It is for those who have an overall view of building types to set the standards which should reflect best practice in the rest of the UK.
- While recognising the benefits Sprinkler systems provide to the protection of residents, property and fire fighters who respond to incidents, a respondent supported the proposal. They particularly welcomed the proposal to extend the provisions to all residential care premises irrespective of height due to the vulnerability of residents. They supported the proposal in the future, to consider potentially widening the requirement for sprinklers in hotels, and assembly & recreation buildings. They suggested this piece of work should also consider

including health care premises, Houses in Multiple Occupation and all new residential properties.

DEPARTMENT RESPONSE

5.44. Regulation 37B is seen as a first step in the requiring of Automatic fire suppression systems (AFSS) in certain higher risk building types. Those types initially will be buildings containing one or more flats, purpose-built student accommodation (both building types with a storey over 11m) and all residential care premises. Other building types (such as hotels, assembly and recreation buildings, health care premises, storage and warehouses above 4000m2; all new and refurbished schools; specialised housing; hospital buildings; Houses in Multiple Occupation and all new residential properties amongst others) will be considered for addition to the list as part of future amendments to Part E/TBE where evidence/research becomes available. A more extensive exercise is needed to determine the broader range of buildings for inclusion. It is not envisaged that all buildings across the built environment will need sprinkler provision.

5.45. The new Regulation will apply to all residential care homes irrespective of size or staffing levels. It was felt specifying a minimum size for the regulation to apply to would lead to designers deliberately designing just below the threshold to avoid having to comply with the requirement.

5.46. Scotland does now require AFSS provision in all flats irrespective of height under Mandatory Standard 2.15 in their technical handbook. This amendment of 37B brings NI into line with England on sprinkler provision in blocks of flats. It may be the case the scope is extended to all buildings containing flats (just like Scotland) irrespective of height in the future.

5.47. For clarity, building regulations can only require standards when building work or a material change of use occurs (or intends to). They cannot require new standards to the existing stock of buildings retrospectively.

5.48. Using top storey height of a building as a metric is a common threshold used in building regulation requirements. It is used as it is the height a person needs to evacuate from as opposed to the height of the building which may be several more metres higher than that of the top storey (finished floor level). Designers, contractors, enforcers etc. would be used to the top storey height metric in relation to other building regulation requirements. ‘Game playing’ to design just under thresholds will always occur irrespective of the type of metric used.

5.49. The Department agrees risk is not based on height alone but is made up of many factors such as occupancy of the building, vulnerability of occupants, construction of the building, nature of use etc. It would be very difficult to implement and enforce on a regulation that required thresholds around all of these parameters. There is also nothing to prevent buildings below the threshold height being designed and fitted with sprinklers in any case.

5.50. On the issue of sprinkler area coverage, the guidance to regulation 37B will cite the relevant British Standards (BS 9251 and BS EN 12845) for sprinkler system installations. These standards should be followed to determine sprinkler areas of coverage.

5.51. A holistic review of TBE as suggested by one respondent would be resource and time dependent. Developing phases of changes to TBE is more appropriate to address immediate concerns and developments in the post Grenfell era.

5.52. The Department agrees with a number of respondents that a wider range of work of reform to the building regulatory system here is needed to consider developments in England through the Building Safety Act including competency in the sector.

5.53. The newly created Residential Building Safety Division in DfC will be considering a review to the regulatory system here. Their intention is to develop, implement and maintain a building regulatory system that manages the whole life of residential buildings and promotes a culture of safety. DfC's Residential Building Safety team will carry out work to determine if competency frameworks or specific mandatory requirements are needed in NI. They will engage with relevant stakeholders to inform the right solution for NI.

5.54. The Department will proceed with implementing Regulation 37B for the scope of buildings proposed. Review of the building types will occur as part of future amendments to Part E of the building regulations.

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?*

Question Number	Total Responding	Yes		No		Not answered	
E6	40	26	65%	10	25%	4	10%

5.55. Regulation 37B will apply to buildings containing one or more flats and purpose-built student accommodation (both with a storey more than 11m above ground level). There was majority support from respondents for the 11m threshold with the following comments made:

- One respondent suggested a square meterage should be added as a measurement as well.
- A respondent, in agreeing with the broad principle of a threshold height of 11m, was concerned that 4-storey residential buildings would not be included on the prescribed list of buildings in regulation 37B, if the 11m trigger height was defined as proposed. They believed 4-storey residential buildings (which may have 'building heights' exceeding 16m) should be subject to the proposal and the higher standards of fire safety. They proposed the 11m trigger height (for a building containing one or more flats or purpose-built student accommodation) be defined by the height of the building, as described by Diagram B.4 of "Technical Booklet E - Fire Safety, not the height of the uppermost storey. They went further and suggested this method of defining the 11m trigger height should be adopted throughout The Building Regulations and Technical Booklet E. They then proposed the limiting number of storeys be stipulated alongside building height in regulation 37B and as appropriate elsewhere in Building Regulations and Technical Booklet E, to read 'more than 11m or three storeys above ground level'. They concluded stipulating the number of storeys alongside building height would improve clarity for designers, contractors, owners, occupiers, responsible persons, regulators and others. Limiting the number of storeys would also reduce the potential for game-playing, where buildings may be claimed to be a matter of centimetres under the height threshold.
- A respondent did not completely agree because they said the threshold height must be in correlation with the fire compartmentation design of the building and accessibility by fire services to intervene.
- An individual said they agreed but would like to see a definition of purpose-built student accommodation.
- One respondent simply said this would bring parity with ADB 2019.
- An individual said they did not agree entirely. They suggested consideration should be given to including larger units below 11m threshold where vulnerable people or persons with mobility issues reside. They also made reference to research carried out by the University of Leeds '*The Fire Risks of Purpose-Built Blocks of Flats: an Exploration of Official Fire Incident Data in England*' https://www.bafsa.org.uk/wp-content/uploads/bsk-pdf-manager/2021/07/Fire-Risks-of-Purpose-Built-Blocks-of-Flats-An-exploration-of-Official-Fire-Incident-Data-in-England.pdf and commented that due to the surge of students(international), available accommodation has

been affected. They understood that some private accommodations were being partially occupied by students.

- The NI Fire and Rescue Service expressed the view that they wished to see this scope widened in the future to require sprinklers to be fitted in all new dwellings, regardless of height.
  They stated the reason that every year in Northern Ireland, approximately 10 people lose their lives in dwelling fires in buildings that are below 11m in height.
- Another respondent believed to some extent that the height chosen is arbitrary, and while it might be used to prioritise work undertaken, ultimately like Scotland and Wales they would like to see all new flats requiring sprinklers and ultimately as with Wales, all new homes.
- A number of District Councils acknowledged this height is the UK trigger for application of requirements relating to automatic suppression and in this regard, they had neither information to back up the chosen trigger height or to contest it. They highlighted statistics that between 1 Jan 2017 to 31 Dec 2022 there were 6 fire related fatalities in apartments out of a total of 39 and none of these fatalities occurred above the second floor. 33 of the fatalities occurred in lower rise residential occupancies and at lower levels. They did state however, that these statistics did not take into consideration the impact a fire may have and the potential for a high fire fatality loss in buildings at height. They suggested a further review in relation to extending the scope of this regulation to other buildings containing a sleeping risk taking into consideration fire fatality and casualty statistics. Any increase in scope should be targeting those more at risk. They referred to information they had previously given to the Finance Committee through testimony and in written correspondence dated 22nd February 2021. They said that this outlined areas for improvement, one of those areas being in relation to sprinkler provision in timber externally and internally framed buildings of any height.
- A respondent said the majority of buildings in NI are under this, and the height should be reduced to 12m.
- A respondent disagreed and stated this should be determined by Risk Assessment at design stage.
- One respondent in citing a quotation from the consultation documents which read “there is also recognition of the need for research to ensure that any changes represent expert consensus based on a robust evidence base” requested clarification on what research had led to the change in height limitations.
- A respondent suggested a lower trigger height may be applicable to buildings formed by a material change of use. They proposed a height likely to be in the 4.5m-7.5m range for a change of use building. They commented in the case of new build, 11m perhaps is not unreasonable but again construction type may be relevant. They stated consideration should be given to construction types with less redundancy or resilience in the event of fire such as timber framed buildings as opposed to concrete structures.
- A respondent in agreeing with the height threshold of 11m for buildings containing one or more flats and purpose-built student accommodation said there is evidence in the Hackitt report to support this; the report suggests sophisticated sprinkler systems could help mitigate risk. They did feel it was important to note that this suggested change would have a significant impact on the sector as the costs to facilitate this could impact the viability of some

projected schemes. They proposed that there could be a ‘middle-ground’ of a 18m threshold introduced initially so the costs could be managed and forecasted more accurately whilst maintaining delivery of scheme numbers. They went on to say the Hackitt report also highlights the practical challenges to the introduction of sprinkler system usage in existing buildings that fall within the threshold of 11m. They suggested there may be a need to consult with residents, and the time implications of such processes needed to be considered.

- A respondent, in agreeing with the height threshold, expressed their concern again regarding ‘buildings containing one or more flats’ as outlined in their response to questions A2 and E5.
- A respondent generally agreed with the height threshold, however expressed their concerns regarding buildings 11 metres or higher that they highlighted in their response to question E2. In that response they stated a height of 11 metres provides a clear cutoff point between Houses in Multiple Occupation (HMOs) and blocks of flats, however in England there is confusion between how building height is calculated and instances and arguments have been made about whether or not particular buildings come within the scope of new fire safety requirements as a multi-occupied building. To curtail this, they encouraged 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 were a certain number of residents/units within that property despite it not being 11 metres in height.
- A respondent said ‘No We do NOT’ agree with the proposed threshold of 11m for buildings to have fire suppression systems. They were concerned that an immediate introduction of this requirement could have an impact delivery overall for the sector significantly impacting on costs, which could affect the viability of schemes.
  A responder reiterated again their belief that although height threshold should form a part of the new regulations, they believed consideration of fire risk should not be constrained to arbitrary height limits but should take into account factors such as the occupancy of the building, vulnerability of occupants, the construction of the building, any work activities that may increase the risk of fire and how materials are used and stored. For this reason, they proposed first introducing a threshold of 18m and then after 3 years when better understanding of the costs to deliver and how this is facilitated within grant regimes then reducing to 11m.
- A respondent agreed with the height threshold of 11m for new residential buildings and student accommodation and referred to their already previous answers.
- A respondent supported the proposal to provide a new prescriptive regulation in Part E, to require the provision of suitable automatic fire suppression systems (e.g., sprinklers) in buildings containing flats and specific purpose-built student accommodation (both with a storey more than 11m above ground level) and all residential care premises (including residential care homes, nursing homes, children’s homes, and family resident centres), irrespective of storey height. They commented that sprinkler systems provide protection to residents, property and fire fighters who respond to incidents.

DEPARTMENT RESPONSE

5.56. Applying Regulation 37B at a threshold height of 11m to buildings containing flats brings NI into line with the equivalent requirement in England. Scotland and Wales have gone further to require AFSS to all buildings containing flats. They also apply their requirement on AFSS to a broader range of building types including dwellinghouses (social housing in Scotland).

5.57. Regulation 37B is the first step in requiring AFSS to higher risk building types here. The case is not made for providing sprinklers in all dwellings at present. Consideration of a lower threshold for flats and other building types including timber framed buildings (externally or internally) and others will be considered for inclusion on the list based on evidence/research available as part of future amendments to Part E.

5.58. England lowered the height threshold for sprinkler provision in buildings containing flats from 30m to 11m in 2019. The Regulatory impact assessment for that change highlighted the cost/benefit analysis. Similarly, the change to implement at 11m for buildings containing flats here is costed in the Regulatory impact assessment using the same unit costs as used in England's amendment.

5.59. Regulation 37B will not apply to existing buildings. It will apply to new builds, those formed after a material change of use and a very small limited number of extensions/alterations where Regulation 37B has been applied to the building previously and therefore sprinklers will be present in the existing building.

5.60. For developments in the pipeline which have maybe passed the planning stage and are due to be submitted for building regulations approval stage, the requirement for 37B will only apply 6 months after the Regulation is made law in statute. So long as the application for building regulations approval is submitted prior to the date of coming into operation, they will not be subject to the requirement. Consultation on these amendments took place from July to September 2023. Given the requirements in other jurisdictions, the direction of travel in relation to this matter has been clear for quite some time.

5.61. Factors other than height threshold obviously contribute towards the level of risk in a building. It is difficult to draft a regulation which would be enforceable that would consider all possible factors that contribute to risk. It is generally accepted that height is a major factor in contribution to risk. There is nothing to prevent designers providing sprinklers in other buildings lower than the 11m threshold height if it is assessed the risk merits their inclusion.

5.62. Suggestions of minimum floor area as part of the criteria could lead to designs centimetres below the threshold in order to avoid having to comply with the requirement. Using top storey height of a building as a metric is a common threshold used in building regulation requirements. It is used as it is the height a person needs to evacuate from as opposed to the height of the building which may be several more metres higher than that of the top storey. Designers, contractors, enforcers etc. would be familiar with the top storey height metric in relation to other building regulation requirements. 'Game playing' to design just under thresholds will always occur irrespective of the type of metric used.

5.63. For clarity a definition of purpose-built student accommodation will be used in the building regulations 'housing built specifically for students to live in'.

5.64. The suggestion this is better left to risk assessment leads to subjective opinion where one risk assessor would require sprinkler provision based on their understanding of the risk and another would not require sprinklers based on their understanding. Requirements are better framed in Regulations around measurable criteria.

5.65. On the response about compartmentation after a material change of use, it is true that it is difficult in a lot of situations to establish compartmentation requirements in buildings after a material change of use, particularly for older historic buildings. Regulation 37B will apply to new builds and those buildings formed after a material change of use as well as a limited number of extensions and/or alterations. It would be difficult as suggested to apply the same regulation to material change of use situations at a different threshold height as that which would apply to new builds and extensions/alterations. Given most changes of use are accompanied by alterations and/or extensions, it would require the application of the 2 different threshold heights for designers. It is better to have a consistent height threshold which applies to all types of work.

5.66. The new Regulatory system introduced in England through The Building Safety Act and associated regulations, primarily relate to buildings containing two or more residential units. Those developments are to be considered for here by a Residential Building Safety Division established in the Department for Communities (DfC). This package of amendments to building regulations which applies Regulation 37B to buildings with one or more flats should be viewed separately to developments in England. The example given by a respondent of the formation of a single apartment in a large office type building would not necessitate the fitting of a fully commercial sprinkler system to be installed throughout the whole building. Rather as a part of a building subject to a material change of use, only that part (i.e. the caretaker apartment) would be required to comply with new Regulation 37B and all other requirements of Part E.

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

Question Number	Total Responding	Yes		No		Not answered	
E7	40	28	70%	4	10%	8	20%

5.67. A new definition for residential care premises will be introduced in relation to Regulation 37B. The definition will refer to the Health & Personal Social Services (Quality, Improvement & Regulation) (Northern Ireland) Order 2003. There was majority support from respondents for this amendment with the following comments made:

- A respondent said the definition appeared to exclude the term Specialised Housing which would include the likes of extra care / supported living accommodation. They commented these types of premises are within their portfolio and they were overseen through a floating support model by external providers. They also commented Specialised Housing was included in the NFCC Position Statement guidance (2020) alongside Care Homes.
- One respondent questioned whether residential family centres needed to be included.
- A number of District Councils expressed their opinion that there is a higher risk of injury or death in these premises due to the nature/ level of vulnerability and dependency of occupants and the difficulties associated in undertaking an evacuation in a fire situation. In this regard they welcomed regulation 37B as a mandatory requirement for installation of Automatic Fire Suppression Systems. They stated Regulation 32 (3) definition of Residential Care Premises was clear and unambiguous.
- One respondent said No. They believed that this requires further consideration due to the complexity and the extent of situations where vulnerable persons with mental health issues/learning difficulties and associated provision of care including medication is being provided in designated schemes within the 'community'. They stated properties included within the NI Direct supported housing and care homes should be included within the regulations. They said sheltered accommodation has generally been built for older people and people with a disability. It allows residents to be independent for as long as possible while giving them contact with support staff and others that they may have help when needed. They commented the accommodation is normally self-contained apartments or bungalows where they often have an alarm call system and a warden who visits regularly or lives on the premises.
- An individual said this proposal should have been adopted following the Rosepark Enquiry. They said in the past number of years there has been an increase in this type of accommodation being built with timber frame construction. They stated it would be difficult to see how, following introduction of this provision, a Fire Risk Assessor could not recommend sprinklers in an existing care home.
- A respondent said a clearer definition of care premises was needed to reflect BS 9991 and differentiate between care homes, retirement living, etc. They stated there was no specific provisions within TBE with regard to the means of escape from Residential Care homes as per Sections 2.33 - 2.46 of ADB. They asked should the latest version of TBE not align with these sections in ADB.

- In an unrelated matter to this question, an individual thought a reference should be made in Part E for open plan kitchens to stairs and habitable rooms or on other storeys so that sprinklers can be looked at as a compensatory provision.
- One respondent said given the level of vulnerability and the difficulties in undertaking an evacuation in a fire situation within these facilities they welcomed the introduction of a mandatory requirement for the installation of automatic suppression in all these premises. They commented there have been several incidents across the UK over the last decade in care homes which have resulted in multiple fire fatalities and non-fatal fire casualties in low rise buildings. Many of the facilities constructed in NI would be low rise (three storeys or less) and therefore it would be appropriate not to attach a higher height threshold as a trigger in these buildings. They concluded they had no issue with the definition being proposed for residential care premises and would agree with the scope.
- One respondent whose organisation was not involved with residential care premises, felt it would be inappropriate to respond to this question.
- A respondent agreed with the definition of residential care premises being adopted in building regulations for the application of new regulation 37B and welcomed the continuity with the Health & Personal Social Services (QIR) (NI) Order 2003. They said if something goes wrong and residential care homes are not provided with systems that are in place in other parts of the UK, the question will always be – why the exclusion? However, they also said due to the mixture of vulnerable tenants that are housed outside of the residential care sector, the regulation should include sheltered and supported living care premises.
- A respondent in agreeing with the definition of residential care premises used for Regulation 37B also said they would like to see the regulations acknowledge the rise of specialised housing, which is subject to many of the same risks as residential care premises. Additionally, they reiterated the importance of retrofitting sprinklers into any existing residential care premises that undergoes refurbishment.

DEPARTMENT RESPONSE

5.68. Regulation 37B will initially require a suitable automatic fire suppression system (AFSS) in the recognised higher risk types of buildings (flats and student accommodation over 11m threshold and all residential care premises). Other types of buildings will be considered for addition to the list in the future when evidence/research becomes available. The issue of care in the community living and the category of specialised housing in particular which would cover supported living, extra care living and sheltered housing is something the Department will consider as part of future amendments, particularly based on the feedback from this consultation.

5.69. Regulation 37B will apply to new builds, those formed after a material change of use and a small limited amount of extensions/alterations where Regulation 37B has been applied to the building. If an existing residential care premises is subject to 'refurbishment', that building will not be required to have sprinklers fitted. Only where that residential care premises is newly built, formed after a material change of use or extended/altered (only where 37B has been applied to the building previously) will it be required to be installed with sprinklers.

5.70. The reason for inclusion of Residential family centres under 'residential care premises' is they can house young and vulnerable people unfamiliar with the building

they are sleeping in. The risk in these type of care premises would be no less than that in a fully staffed residential care home.

5.71. A fire risk assessment would be required on residential care premises as a 'relevant premises' under the Fire and Rescue Services NI Order 2006. Provision of AFSS in new residential care premises will not necessarily lead to AFSS being required in existing residential care premises under the fire risk assessment route.

5.72. The specific provisions for means of escape in healthcare premises is given in TBE under paragraph 0.4. The paragraph refers to the Northern Ireland Firecode documents published by the Department of Health as suitable approaches for the design of means of escape. As part of this amendment, the HTM05 suite of documents published by Department of Health (England) will also be referenced.

5.73. The issue of providing sprinklers in a dwellinghouse as a compensatory measure in lieu of other fire protection measures will be considered as part of an overall review of Section 2 – 'means of escape' in TBE in a future amendment.

5.74. The Department will implement new Regulation 37B with the definition of residential care premises linked to the Health & Personal Social Services (Quality, Improvement & Regulation) (Northern Ireland) Order 2003.

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

Question Number	Total Responding	Yes		No		Not answered	
E8	**40**	**27**	**68%**	**9**	**22%**	**4**	**10%**

5.75. The requirements associated with these amendments to building regulations will come into operation 6 months after they become law under a statutory rule. There was majority support for this. However, a number of respondents felt this period should be longer. The following comments were made:

- One respondent said it would take time for companies to source and implement the works. They suggested 6 months would be a little tight for anyone to find a contractor, design the system and install. They said 12-18 months would be better.
- Another respondent said it wasn't long enough. There would be too much to do in that time and they suggested 1 year.
- A number of District Councils said any transitional period should allow an opportunity for ample training of Building Control Surveyors/Officers and industry professionals ensuring further enhancement of competencies regarding design and installation of automatic fire suppression systems.
- One respondent commented it is unclear why installation of automatic fire suppression systems (e.g. sprinklers) should take as long as 6 months to install.
- An individual said the impacted parties should be consulted to evaluate the direct impact and the transitional time should be finalized based on the availability of necessary resources/contractors to carry out the works to comply with the new regulation. They said fixing a 6-month transitional period would lead to a demand crunch of resources/contractors and would lead to an undesirable situation.
- A respondent was disappointed that the consultation was silent on the resource and governance implications of the new proposals. They said providing clarity and integration through ensuring effective organisational structure, strategic direction, procedural control and implementation of policy which will support an integrated 'end to end process' concerned with design, approval, construction and management of Fire Safety in Northern Ireland is fundamental to any successful new regime. They said it is also important to ensure that adequate financial and other resources are allocated for the discharge of the necessary functions. As a contributing member of the Northern Ireland Building Safety Expert Panel, they concurred with the Panel's report that the current system of regulation, policy and oversight is currently under-resourced in central and local government. They also recognised that there is still significant work required to ensure that the occupants of buildings are safe. They recommended that this work should start immediately and be carried out by a dedicated and appropriately relevant, skilled and qualified Interim Team, which can identify the next steps, and develop a strategy (a 'road map') for establishing an Office for Building safety that can continue the work required to implement all of the recommendations arising from this consultation. They commented that while a new fire safety regime is a welcome and necessary response to recent tragic failings in building safety and quality, the solution going forward must be robust. They said key questions around timescales and cost must be considered, including the length of time it will take for developers to get approval under the

new regime and the impact this will have, as well as the cost of applications to the regulator and who will pay them.

- A respondent agreed with the transitional period of six months to allow industry adjustment.
- One respondent highlighted English guidance where clarity is given in terms of works starting and level of works needed by a certain date. They suggested something similar would provide clarity to projects in progress at present.
- An individual said 6 months was not long enough. They thought it should be more (12-18 months) of a lead in due to added costs of installing sprinklers and gaining necessary knowledge.
- A respondent agreed with a transitional period of 6 months provided the guidance was robust and well-defined. They commented that people may rush to meet the deadline before the new regulations are adopted meaning it is essential that any loopholes are removed or minimised. They gave an example, in England's transition period they detailed if applications were lodged for a certain date in June and if development was started by a certain date in October then these developments were not required to apply to the new regulations. Any deviation outside of the deadline dates had to apply to the new regulations. The respondent additionally requested clarification regarding whether there was any internal discussion with relevant departments and bodies on the ability or capacity to supply the amount of water needed to deliver these regulations.
- A respondent disagreed with a transitional period of six months and stated it should be longer. They said 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. They encouraged for 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.
- One respondent in agreeing with a transitional period of 6 months then said they would welcome a longer period of up to 12 months, as many schemes are at the planning stage, and these are underpinned with business cases of viability to deliver much needed homes giving growing waiting lists. They said these schemes could be impacted significantly by the proposed changes to Building Regulations if introduced too quickly. They referred to their response to question E6 in relation to escalating costs including construction and insurance cost requirements that would risk the sector becoming overwhelmed with this as a policy requirement.
- Another respondent agreed with the proposal of a transitional period of 6 months to implement these proposed changes as set out in Question E6. They strongly encouraged the Executive to build on momentum for tackling fire-risk to ensure that the regulatory regime adequately protects people and property from fire. They said swiftly implementing the measures outlined in this response in relation to sprinklers will bring greater certainty to building owners, residents and insurers.
- One respondent disagreed with any and all transitional periods. They said there is no evidence to demonstrate that a transitional period is required to provide the industry and sector at large enough time to adapt to changes. They said any further transitional period would provide the industry with enough time to ‘game’ the transition, following on from the experience of the Welsh Government’s sprinkler mandate in residential accommodation which led to extensive

prospective Building Regulations applications in order to beat the transition deadline. They stated premises were subsequently not built for several years afterward. They believed a transitional period will inevitably provide an opportunity for developers to build new buildings without sprinklers. They concluded by saying the release of this consultation provides enough indication that the Northern Irish Government intends to proceed with these changes, providing developers with the opportunity to prepare by designing buildings before the changes take place. They said a change of regulations will always have a starting date and therefore already has an inherent transitional period.

- One respondent wanted to see the proposed transition period of 6 months only applying to buildings works/designs already in progress; any new building proposals should implement the new requirements immediately.

DEPARTMENT RESPONSE

5.76. A transition period of 6 months is seen as adequate time for industry to adjust to the new requirements coming into operation. The consultation occurred from 03 July to 25 September 2023 and established the direction of travel in relation to these amendments.

5.77. Building regulations are enforced through Building Control departments in District Councils. The requirements apply on the date of application made to building control. Instigating a system based on date of application and conditioning it on whether certain work is commenced or not by a different date can get very complicated for all. Projects in progress currently simply need to make their application before the coming into operation date of the new requirements in order to avoid having to comply with the new requirements.

5.78. To clarify, the 6-month period is not the length of time to allow for installation of a suitable automatic fire suppression system in a building. It is the time between a requirement being made law under a statutory rule and the date that requirement comes into operation. The amendment does not propose sprinkler systems should be designed and installed within 6 months.

5.79. A regulatory impact assessment was issued as part of the consultation package giving benefits and costings of all the proposed amendments. The Department agrees with a number of respondents that a wider range of work of reform to the regulatory system here incorporating gateways for the whole lifecycle of the building is needed. The newly created Residential Building Safety Division in DfC will be considering a review to the regulatory system here. Their intention is to develop, implement and maintain a building regulatory system that manages the whole life of residential buildings and promotes a culture of safety. DfC's Residential Building Safety team will carry out work to determine if competency frameworks or specific mandatory requirements are needed in NI. They will engage with relevant stakeholders to inform the right solution for NI.

5.80. The local water company Northern Ireland Water was a consultee to the consultation. Post consultation the proposed new regulations and guidance was issued to them for comment. The guidance in TBE to new Regulation 37B strongly recommends that developers and designers should discuss project specific details with Northern Ireland Water and the suppression system provider early in the design process, to determine what supply is likely to be available and what pressure can be expected. It is imperative that the system is designed on the basis of what minimum pressure and

flow is likely to be. If there is any doubt, a tank and pump arrangement should be used. Guidance to Regulations 37B in TBE also sets design provisions that require automatic sprinkler systems to be designed in accordance with BS 9251(residential) and BS EN 12845 (non-residential). These standards also provide guidance and recommendations including that stakeholders and authorities should be consulted, for example, water undertakers or licensed water suppliers.

5.81. With regards to Regulation 37B specifically, it will apply to a limited number of buildings initially. We estimate maybe 9 buildings containing flats over the threshold per year, 1 student accommodation building over the threshold per year and 5 residential care premises per year. The requirement will not be triggered by the installation date of the sprinkler system but linked to the date of application to intend to install a sprinkler system.

5.82. The Department will produce a Statutory Rule (SR) for these amendments to make them law. The transition period in that SR will mean the new requirements will come into operation 6 months after that date. Applications to Building Control departments from that date will be subject to the new requirements.

6. Technical Booklet E Questions

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

Question Number	Total Responding	Yes		No		Not answered	
TBE1	**40**	**26**	**65%**	**6**	**15%**	**8**	**20%**

6.1. A new Section 7 in Technical Booklet E – Fire safety will provide guidance to new regulation 37A. There was a majority in support of the guidance and the following comments were received:

- One respondent said a lot more information about this section was required than that which was being shown. They seemed to not understand what was being proposed and asked was the information for building users? They questioned the appropriateness of as fitted drawings and what use that was to anyone. They suggested if you want building users to know the information, then residents or staff should all be issued with a booklet with the information given. They said if it was just a drawing to be filled away, then what purpose would this be?
- Another respondent agreed with the guidance proposed in Section 7 of TBE for buildings in scope of Regulation 37A. However, they believed the as-built plan listed as 'Essential Information' in Section 7 should be required to identify all substantial façade and roof materials (notably insulation and cladding) not achieving an A2-s1, d0 or better reaction to fire classification.
- One respondent asked to consider adding a reference to Section 18 of EN 12845 regarding minimum signs, notices, and information to include where sprinkler systems are installed.
- An individual suggested in addition to the proposed guidance, a smart fire alarm reporting and monitoring system for complex buildings or buildings that have a fire alarm system installed. They stated the smart system can be interfaced with other building systems such as lift, water tank level, etc., They continued the smart fire alarm (24/7) should have an auto-dialler to call the Fire and Rescue Service, building owner, and a security guard (if any) in the building. They said this call would help verify false alarms and improve the first responder's arrival time to the scene of a fire incident. Also, it can have a maintenance alarm reporting to the authorities having jurisdiction.
- The NI Fire and Rescue Service agreed, provided there was an amendment of the two lists to a single consolidated list. They noted the guidance in Section 7 of the consultation version of TBE represented a direct lift from the equivalent section of ADB which provides guidance on achieving building regulations compliance in England. Whilst they agreed with the guidance, in so far as it captured the information that should be given to persons with fire safety duties upon completion of the building, they noted:
  - The section itself is split between the categories of essential information and additional information for complex buildings. Notwithstanding the fact that there is no definition of what constitutes a complex building, the information listed under both categories is largely identical.

- Regardless of whether fire safety measures such as alarm systems or smoke control systems are provided in simple buildings or complex buildings, persons responsible for managing the building need to understand why they have been provided, where they have been provided, and what they need to do to maintain them.

- For simplicity, they suggested the information in Section 7 could be consolidated into a single list. As the guidance already sets out, the level of detail required will vary between buildings and will still need to be considered on a case-by-case basis. One of the two respondents stated their responses to changes to TBE in this consultation reflected the changes they would also like to see to ADB in England and all associated regulations in the devolved governments.
- A number of District Councils expressed the view it was not clear when the application of guidance provided in paragraph 7.6 with respect to complex buildings is relevant. They asked was it the assumption that a building falling outside the parameter of TBE was deemed a complex building or was it dependant on size and number of storeys?
  They agreed the guidance in Section 7 should be beneficial in general for industry professionals.
- One respondent agreed and provided a lengthy submission saying certification by 3rd party accredited persons should be provided for every building and include fire stopping, treatment of structural steel and fitting of intumescent fire collars for specification. Their experience had shown that buildings are being signed-off with significant compartmentation issues with related concern for fire spread. They said this work is being carried out by tradespersons who are not qualified and in many situations is being covered over and is difficult to detect. They said the Ministry of Housing, Communities and Local Government in England and Wales had sponsored the development of the BSI Flex 8670 standard which is the Built environment – Core criteria for building safety in competence frameworks – Code of practice. They said it was developed in conjunction with the Independent Review of Building Regulations and Fire Safety following the Grenfell Tower tragedy and was led by the Dame Judith Hackitt report. They stated current British Standards refer to and recommend that persons carrying out tasks on fire safety systems should be competent. They went on to say the British Standards definition of a competent person is:
  - a person with relevant current training and experience and with access to the rec centres equipment and information and is capable of carrying out a defined task.
  - They highlighted there are now recognised UKAS approved third party accreditations to assess the competency of individuals (Licence to Practice). Anyone with access to the third-party accreditations can log onto the database and confirm the training and competency skills of everyone working or carrying out an investigation, report and or working on a fire system. They strongly believed that the individuals competency skills and requirements should be imbedded in the new Building Control and Fire Safety legislation. They said there is a third-party competency card for Fire Safety Technician in operation in Northern Ireland. Their organisation has supported the development and introduction of this competency skills accreditation. Their organisation was supporting the Northern Ireland Fire Security Employers Federation (NIFSEF) and the Fire Emergency Security Systems (FESS) in their work of developing a third-party accreditation scheme for technicians, and an experienced workers qualification for Fire Safety in Northern Ireland.

The qualification has a pilot scheme for 8 experienced workers completing in December 2023 and there are approximately another 70 employees waiting to enrol on the qualification once the pilot has been completed and the outcomes reviewed by the awarding body. They said the pilot scheme is being monitored by training organisations in other regions of the UK as a scheme to support the BSI Flex BS 8670 competency standard being implemented in conjunction with Dame Judith Hackitt's report.

- An individual said the creation of section 7 was in a place for "Buildings other than dwellings" section although it would be relevant to dwellings. They said the separation of Approved Document B into two volumes had been a positive step towards clarification of the requirements in England and Wales. They also stated during the Grenfell Inquiry, it was claimed that ADB was difficult to follow and in their view, it is a much more user-friendly publication than TBE.
- A respondent referred to their comments under question E1 and requested a definition for a complex building. Their comments under E1 related to standardising the information as the information can vary greatly in magnitude and quality.
- A respondent wondered if there was a conflict with setting out what information is required in TBE to satisfy a regulation where the demonstration of compliance of the regulation is a solution outside of the scope of TBE e.g. a fire engineered solution.
  They suggested if TBE is the vehicle, should there be a statement that the information sought will also be applicable/relevant to other design codes or solutions. They then referenced their previous comments about the need to provide information about building design code used and key design information.
- One respondent considered that section 7 provided clear guidance on the detail required for inclusion within any report or documentation to be provided to the person with fire safety duties to meet the requirements of regulation 37A (2).
- One respondent pointed out Building Control`s sole legislative responsibility was to receive a notice in writing, to confirm the requirements of providing fire safety information to the person with fire safety duties had been met. They also said using terms such as 'building in scope' and 'relevant change of use' in the guidance was English Regulations terminology rather than that of our own. They were unsure regarding the title of 'Additional information for complex buildings'. They asked was it the assumption that a building falling outside the parameter of TBE is deemed a complex building, or is it more dependant of size and number of storeys etc.? They felt some professionals may see all buildings as complex. Despite these specifics they said the guidance in Section 7 should be beneficial in general for industry professions that are not already aware of their responsibilities under Regulation 37A.
- A respondent said they had no issues with the guidance beyond their previous comments that additional guidance is given for measuring the height of a building and a more specific definition is given for "the person carrying out the work".
- One respondent in not agreeing with the proposed guidance in Section 7 of the consultation version TBE gave the following reasons:

  i. They disagreed that the information should be given at the completion of the work or when the building is first occupied (whichever is earlier). They stated projects should be allowed to be completed contractually and by Building Control, enabling them to be handed over to the client without the fire safety information being in place, however, it should not be occupied. They stated

an undertaking that it will be provided, prior to occupation should be sufficient to enable Building Control to complete the project. If it transpires, that the undertaking was not realized, the Council has the power under the 'false and misleading statements' to take appropriate action against the perpetrators.

ii. They suggested a change in wording from "…subject to alteration and/or extension work, the information required should only relate to the work involved where it has an impact on the fire safety strategy of the building." to read "…subject to alteration and/or extension work, the information required should only relate to the work subject to Building Regulations and only where such works has impact on fire safety matters."

iii. They suggested replacing the word 'sprinkler' with the term 'fire suppression' to include circumstances where gaseous, water mist, or other suppression mediums are included.
They advised the Department should include within the section examples of what it considers to be a 'complex building' warranting the additional information provision.

iv. They suggested replacing the words "fire protection measures" with "passive and active fire safety measures".

v. They suggested the Department should include within the section details of:

a. any back-up power supplies, generators etc.

b. details of any utility shut-off facilities.

- One respondent noted the proposed guidance in Section 7 of the consultation version of TBE represented a direct lift from the equivalent section of ADB which provides guidance on achieving Building Regulations compliance in England. Whilst agreeing with the guidance in so far as it captured the information that should be given to persons with fire safety duties upon completion of the building, they noted:
  - The section itself is split between the categories of essential information and additional information for complex buildings. Notwithstanding the fact that there is no definition of what constitutes a complex building, the information listed under both categories is largely identical.
  - Regardless of whether fire safety measures such as alarm systems or smoke control systems are provided in simple buildings or complex buildings, persons responsible for managing the building need to understand why they have been provided, where they have been provided, and what they need to do to maintain them.

DEPARTMENT RESPONSE

6.2. The guidance in Section 7 is to the requirement of new Regulation 37A. The detail in the section outlines the type of information that should be provided by the person carrying out the work in order to assist those who have fire safety duties in the building after it is completed or first occupied. The detail is not an exhaustive list and as it states, the amount of information that should be provided will vary on a case-by-case basis. For instance, information on external facades including any cladding and insulation would be more appropriate in higher rise buildings. Drawings are useful in terms of providing information in terms of building layout but are not the only form of information described in the guidance.

6.3. As Regulation 37A is the equivalent here to a similar Regulation 38 in England, the guidance in TBE mirrors that in ADB in England for Regulation 38. Regulation 38 in England has been in operation since 2007. Regulation 37A and guidance in Section 7 will not be relevant to all dwellings, just dwellings in buildings containing flats. Due to consultation feedback the two lists in TBE will be amalgamated so far as possible and will sit under a single title applicable to all buildings and not just complex buildings.

6.4. A building could be described as a complex building, not just based on size and number of storeys alone. Giving a definition for 'complex building' to encompass all types is very difficult and could lead to potential loopholes. The Department feels it is better to leave complex building as the common law, general understanding of such. There are buildings designed to TBE that may be described as complex.

6.5. The issue of competency is being considered as part of an overall reform to the regulatory system here by the newly created Residential Building Safety Division in the Department for Communities (DfC). DfC's Residential Building Safety team will carry out work to determine if competency frameworks or specific mandatory requirements are needed here.

6.6. Separating TBE into two volumes – one for dwellings and the other for buildings other than dwellings leads to duplication of provisions in both books. If TBE is ever to be split, it is something for consideration as part of future work.

6.7. The guidance in TBE is to the requirements of the Part E regulations. It is the regulations which must be satisfied. Following the guidance in TBE is one way to demonstrate compliance with Part E and there is a presumption of compliance with the regulations if that guidance is followed for the more common building situations. Other solutions may be appropriate with the onus on designers to demonstrate how their solution satisfies the regulations without following TBE.

6.8. The terms 'building in scope' and 'relevant change of use' have been removed from the TBE guidance and the paragraphs reworded.

6.9. The Department shares the view that the information should be handed over prior to occupation, which the regulation requires. The regulation also requires it is handed over at the completion of the work or prior to occupation, whichever is earlier. It would be meaningless to make requirements which are to be enforced upon based on a promise to do something. The wording in relation to alterations and/or extensions is to place the focus on the alteration/extension work itself in that Regulation 37A will only apply where that work has an impact on the fire safety strategy for the building.

6.10. On the specific comments regarding information associated with fire alarm systems and sprinklers: fire alarm systems are required to conform to the relevant British Standard for fire alarm systems in TBE. Those standards whether it is BS 5839-1 or BS 5839-6 give the detail of fire alarm systems suitable for various types of premises (non-domestic and domestic). By TBE referring to those standards, the issue of auto dials to automatic receiving centres is left to those standards to determine whether they are necessary or not. As sprinklers are to be required in buildings under Regulation 37B, they will be required to be designed and installed to BS 9251 or BS EN 12845. The guidance in TBE is based on 'sprinkler' provision only as in the view of the Department, it is the only acceptable form of suppression system currently suitable to satisfy Regulation 37B. The onus will be on designers to demonstrate the use of alternatives such as water mist in lieu of sprinklers to give an equal level of

performance. Gaseous systems would be unacceptable in life safety terms although could be used in property protection situations.

6.11. The Department will amend TBE to incorporate a new Section 7 for guidance to the requirement of Regulation 37A.

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

Question Number	Total Responding	Yes		No		Not answered	
TBE2	**40**	**31**	**78%**	**4**	**10%**	**5**	**12%**

6.12. A new Section 8 giving guidance on primarily sprinklers to new regulation 37B for automatic fire suppression systems will be added to Technical Booklet E. There was majority support for this new guidance with the following comments made:

- One respondent reiterated the sprinkler system should be interfaced with the automatic fire protection system for activations and or faults. They said the fire alarm system should have a monitoring device which is linked to an ARC (Alarm Receiving Centre) who can contact the responsible people to attend and investigate. This can monitor water flow into the premises, any activation and or prime the system if and when needed (generally a detector would be activated, sends a signal to the sprinkler system which then purges the pipes ready in case of a fire).
- Another respondent agreed that sprinkler systems installed in buildings can reduce the risk to life and can reduce the degree of damage caused by fire, and they supported their use. However, they expressed concern that the provision in TBE of guidance that sprinkler protection can be used as a compensatory feature where the provisions of TBE are varied, may be seen as encouraging or even endorsing non-compliance with TBE. They proposed such commentary is removed from TBE.
- A respondent said there should be room for alternative sprinkler system design standards to be permitted based on the requirement of the building insurer or company insurer occupying the building. They suggested these may include but not be limited to NFPA 13 or FM Global guidance.
- An individual said he had hoped to see more details in section 8 (Sprinklers). He said the water supply should be well defined and be a measure of the level with respect to the fire load. He asked is it possible to have the Gravity tank or suction tank level monitored?
- Another individual expressed reservation about the use of BS 9251 where it is used to compensate for non-compliant buildings and stated most high rise residential buildings include at least some of the following features. They said the non-residential accommodation that falls within the scope of BS 9251:2021 edition are as follows (accommodation not listed below would require protection via either a BS EN 12845 sprinkler system or other suitable suppression system):
  One or two car garage, where sprinkler protected, attached to a dwelling; car parking within or beneath a block of flats; bin store within or beneath the flats; limited office areas (e.g. concierge or site management); residents' storage sheds/tenant stores; PTSN/CCTV/Electrical Rooms; plant rooms; domestic laundry/utility room; laundry (with storage and processing of linen, e.g., institutional, care home); domestic kitchens; hairdressing rooms; retail (e.g., shop or kiosk); foyer/reception; bar/restaurant/café; kitchens in student hub accommodation (e.g., self-catering); kitchens in residential care or other similar premises, e.g., care home.

- The NI Fire and Rescue Service said Regulation 37B should be amended to use the term sprinklers instead of suitable automatic fire suppression systems to ensure consistency. They thought what was proposed would lead to confusion and should be amended. They also stated provision must be made to ensure that sprinkler protection extends to all parts of an in-scope building and that the sprinkler protection is appropriate to the building's risk (for example, a commercial unit or car park underneath). They noted Section 8.3 which stated that where sprinklers are "a compensatory feature to address a specific risk or hazard, it may be acceptable to protect only part of a building." They disagreed. They said although sprinklers can ensure a fire is contained within a certain area, a risk that brings a building into scope and triggers a sprinkler mandate can affect an entire building in an emergency. They thought the guidance should address this risk.
- A respondent suggested the following additions to the relevant paragraphs:
- '8.2' Where sprinklers are provided it is normal practice to provide sprinkler protection throughout the building. Sprinklers in flats should be provided within the individual flats, they may also need to be provided in the common areas such as stairs, corridors or landings when these areas may not be fire sterile or cannot be maintained as such.
  '8.4' There are many alternative or innovative fire suppression systems available. Where these are used, it is necessary to ensure that such systems have been designed and tested for use in buildings and are fit for their intended purpose and installed in accordance with the relevant British Standard by companies competent to design and install such systems using only components approved for the purpose.
- A number of District Councils agreed with the proposed guidance and the reference to the relevant standards for detailed design and installation requirements providing greater harmony with other UK jurisdictions. They did note however in relation to the references that sprinklers should be extended to common areas only where they are not deemed sterile. They said BS EN 12845 and BS 9251 both call for sprinklers to be provided in all parts of the premises, so applying the exemption in TBE makes those sprinkler systems non-compliant with those standards. In addition, they said more guidance should be provided to designers and Building Control on the acceptability of the alternative established fire suppression systems referred to in paragraph 8.4.
- One respondent agreed and stated the term sprinkler should be changed to suppression system as referred to in the new regulation 37B.
- A respondent suggested if other agencies are required to provide input, such as NI Water regarding water supply and pressure, then statutory response deadlines may need to be introduced in order to ensure that the fire safety process is not delayed.
- An organisation which was a member of the 'Expert Panel - Building Safety Programme Northern Ireland' that contributed to the Panel's final report, supported the introduction of appropriate fire suppression systems, such as sprinklers, in existing and new buildings to reduce risk, and that a cost-benefit analysis should be completed prior to the implementation of the recommendation. They said as well as protecting occupants, sprinklers limit structural and other damage to properties, thereby providing assurance to residents, insurers and lenders. They commented that work is currently progressing with the NIBRAC Part E (Fire safety) Technical Subcommittee on the Phase 2 proposals, which are part of a work programme of amendments to

the NI Building Regulations. Automatic Fire Suppression Systems (sprinklers) are currently being considered for new build and material change of use HRRB projects, as part of the Phase 2 amendments. Given the benefits of sprinklers, they said the Panel agreed that the fitting of sprinklers should be required in new HRRBs and supported the work of the DoF Building Standards Branch in progressing legislation to mandate sprinklers in some residential buildings over 11m.

- A respondent said to see their comments under E6 which requested what research had led to the change in height limitation. They added certain tables within TBE would need to be updated to avoid confusion in relation to sprinkler heights. They also requested clarity on options for other forms of suppression, e.g. misting.
- Another respondent in agreeing with the guidance in Section 8 referred to their response to question E8 where they sought clarification regarding whether there was any internal discussion with relevant departments and bodies on the ability or capacity to supply the amount of water needed to deliver these regulations. They said if the regulations want sprinklers, the system must have the capacity and infrastructure to cope with the increased demand on the network. They said applications must be dealt with quickly within an appropriate timeframe from application to decision. Otherwise, there would be a massive backlog of schemes in the system and nothing will happen on the ground.
- One respondent simply said ‘yes’, they had no issues with the proposed guidance.
- Another respondent simply agreed with the proposed guidance regarding sprinklers given in Section 8.
- A respondent said for sprinklers to operate effectively in the event of a fire, they must be correctly designed, installed, serviced and maintained. Furthermore, it is important that the competence of the installer is subject to assessment by a recognised UKAS accredited third party certification scheme. They said they required direction (via regulations / legislation) on how to make their buildings safe.
- An organisation reiterated their observation that the proposed Regulation 37B only refers to suitable AFSS while the Section 8 guidance explicitly references sprinklers. Their view was that the only suitable AFSS for buildings in the scope of Regulation 37B are sprinklers. They said Section 8 currently makes no attempt to connect the requirements for suitable AFSS under Regulation 37B and the guidance on sprinklers presented in that section. They highlighted Section 8.5 where it states that “… Where required, sprinkler systems should be provided throughout the building… They should be designed and installed in accordance with the following… For residential buildings, the requirements of BS 9251…” They said there is no reference to any requirement for sprinklers in residential buildings in Regulation 37B, only AFSS. They said this would lead to confusion and should be addressed.
  They also said provision must be made to ensure that sprinkler protection extends to all parts of an in-scope building and that the sprinkler protection is appropriate to the building’s risk (for example, a commercial unit or car park underneath). They did not agree that where sprinklers are “a compensatory feature to address a specific risk or hazard, it may be acceptable to protect only part of a building.” They said although sprinklers can ensure a fire is contained within a certain area, a risk that brings a building into the scope and triggers a

sprinkler mandate can affect an entire building in an emergency. The guidance should address this risk.

- An organisation commented whilst it is accepted that other devolved guidance such as England's Approved Document B noted that sprinklers in residential blocks of flats did not need to be provided in common areas when they are fire sterile; it is recommended that Technical Booklet E (TBE) does not take this approach. They said there is always a potential for unauthorised storage and the increase in the use of Lithium-Ion batteries in micro-transport, which could be present, would only compound the fire risk. They said it would be better to state that sprinklers should be installed in accordance with BS 9251:2021 - Fire sprinkler systems for domestic and residential occupancies. Code of practice.

DEPARTMENT RESPONSE

6.13. Although Regulation 37B is worded in terms that a suitable Automatic fire suppression system (AFSS) should be installed in certain building types, the guidance in Section 8 of TBE will be based on sprinkler provision. At this time the Department's view is a sprinkler system is the only suitable form of AFSS that can satisfy the Regulation. Other suppression systems are available such as Watermist or property protection standards such as NFPA 13 or FM Global systems.

6.14. The catch all paragraph of guidance covering these other systems will state where these are proposed, it is necessary to ensure such systems have been designed, performance tested and approved for use in buildings and are fit for their intended purpose and installed in accordance with the relevant British Standard by companies competent to design and install such systems using only components approved for the purpose. Where another system other than sprinklers is proposed, designers should demonstrate any such system gives an equivalent or better level of performance to that of an automatic sprinkler system.

6.15. By wording the regulation in AFSS terms as opposed to sprinklers will mean any types of system other than sprinklers that may be available at this time, or any innovative systems that may be developed in the future will not be excluded.

6.16. TBE already cites the use of sprinklers as a compensatory measure in lieu of other provisions in a number of locations. These locations will be cross-referenced in new Section 8 guidance. Under design of sprinkler systems, the guidance will also say 'where required, sprinklers should be provided throughout the building (part of the building) or separated part'.

6.17. Regarding more detail on sprinkler provision, the Department's view is to leave that detail to the two relevant standards for sprinklers i.e. BS 9251: 2021 '*Code of practice fire sprinkler systems for domestic and residential occupancies*' and BS EN 12845: 2015 '*Fixed firefighting systems. Automatic sprinkler systems. Design, installation and maintenance'.*

6.18. With regard to coverage of sprinklers in common areas and if fire sterile or not, the two standards will give the necessary clarity. For competency of installers, the 2 standards give clarity. For non-residential areas, BS 9251 gives clarity on what falls within its scope and its limitations of use.

6.19. Guidance will be given in Section 8 on water supplies and pumps. With regard to adequate water supply and pressures, the guidance will say it is imperative that the system is designed on the basis of what minimum pressure and flow is likely to be. If

there is any doubt, a tank and pump arrangement should be used. The guidance strongly recommends that developers and designers should discuss project specific details with Northern Ireland Water and the suppression system provider early in the design process, to determine what supply is likely to be available and what pressure can be expected (these recommendations are also included in BS 9251 and BS EN 12845).

6.20. The 11m threshold height for AFSS provision in buildings containing flats brings here into line with the similar requirement in England's ADB. It does not go as far as the requirements in Scotland or Wales for AFSS provision. The established requirements for sprinklers in the various regions have developed from the research commissioned over the last 20 years by various bodies including the English, Welsh and Scottish governments, the Chief Fire Officer's Association (CFOA) and carried out by the British Research Establishment (BRE).

6.21. A new Table 4.2 'Minimum periods of fire resistance' will replace the existing Table in TBE and reflect the requirement for sprinklers in all building Purpose Groups.

6.22. The Department will amend TBE to incorporate a new Section 8 for guidance to the requirement of Regulation 37B.

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?*

Question Number	Total Responding	Yes		No		Not answered	
TBE3	40	33	83%	1	2%	6	15%

6.23. This amendment will mean all new build dwellinghouses and flats will be fitted with an automatic fire detection and alarm system incorporating smoke alarms in all habitable rooms. A new definition for habitable room will read '*any room in a dwelling other than a kitchen, utility room, bathroom, shower room, dressing room, storeroom or WC*.' There was almost unanimous support for this amendment, only one respondent did not support it. Comments received in support of the proposal included:

- This amendment will potentially have benefits in reducing fire fatalities and non-fatal fire casualties which outweigh any theoretical disadvantages;
- The NI Fire and Rescue Service commented fire statistics indicate loss of life is mainly in the room of fire origin. Living rooms are being used as bedrooms for mobility reasons. This amendment will help protect people when at their most vulnerable (asleep);
- The risk in bedrooms now present many of the same fire risks as a living room;
- With an aging population and increase in portable charging devices in bedrooms, this is timely to address the risks associated with rooms of fire origin;
- There are limited cost implications with this introduction;
- Pros simply outweigh the cons; and
- A number of District Councils said this brings Northern Ireland into line with Republic of Ireland (ROI) on this provision. ROI introduced this in 2017 due to increasing use of portable charging devices and increasing statistics of fire deaths in bedroom fires.

6.24. Comments received against the proposal were mainly to do with concerns of increasing the level of false alarms:

- This will result in too many detectors which will not be maintained. Back-up batteries will not get replaced;
- This will be problematic due to an increase in false alarms. This could lead to unintended consequences of occupant behaviour disconnecting alarm system entirely; and
- This results in Northern Ireland imposing a higher standard of fire detection above and beyond any other UK region and also above that required by the relevant British Standard.

6.25. In addition, some respondents wished to see this proposal applied retrospectively to existing dwellings.

DEPARTMENT RESPONSE

6.26. The amendment will bring the requirement here closer to the position of the Republic of Ireland where detection is required in all high fire risk areas/rooms including kitchens, living rooms, garages, utility rooms and all bedrooms. The new requirement will mean NI applying a higher standard of fire detection coverage than any other part

of the UK. It will also be higher than that recommended in the British Standard BS 5836-6: 2019. The amendment will mean only dwellings newly erected or formed as a result of a material change of use will need to comply.

6.27. Retrofitting to existing buildings will not be required under building regulations. Requirements can only relate to when building work or material change of use is intended by application to building control departments in District Councils.

6.28. Logically, earlier detection of fire/smoke should give occupants more time to make their escape. Increase in false alarms can lead to unwanted occupant behaviour in the long term of disconnecting the fire alarm system entirely. With no research or evidence to suggest this amendment will save lives or prevent injuries in the future but with overwhelming support from respondents, the Department is minded to implement this new requirement.

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?*

Question Number	Total Responding	Yes		No		Not answered	
TBE4	**40**	**24**	**60%**	**8**	**20%**	**8**	**20%**

6.29. This new guidance will bring clarity to the level of fire detection and alarm system required in existing dwellings when they are subject to alteration and/or extension work which results in the formation of a new habitable room or kitchen. The majority of respondents supported the amendment:

- One respondent simply agreed that a fire detection and alarm system should be installed where new habitable rooms or a kitchen is provided.
- Another respondent agreed with the amended guidance, but also due to the technical nature of the provisions, recommended the Department for Finance seek the advice of organisations that represent firefighters. They said this was the same for questions TBE5 through to TBE9.
- An organisation representing Housing Associations agreed with the new guidance in relation to fire alarm provision when a dwelling is extended or when major alteration work is taking place. They said this provides an opportunity for a fire alarm system to be installed.

6.30. Comments from respondents against the proposal included:

- A number of District Councils considered it very onerous and said there was no evidence to justify fully upgrading the fire alarm system in an existing dwelling to full coverage as suggested by the amendment where it is the extension and its impact on the existing dwelling which needs considered. They highlighted a roofspace conversion where it would be overly onerous to require a full fire alarm system to be fitted throughout the dwelling (where no existing fire alarm would be present);
- District Councils also pointed out that currently in the application of the Regulations, they request an existing system to be upgraded (if not provided) in existing circulation areas, kitchen and principal habitable rooms where escape from the new extension is via the existing escape route of the dwelling; i.e. where a final exit is not provided from the new extension. If a final exit is provided from the extension, then currently detection is only requested in the circulation route from the extension to the new final exit; i.e. where escape is not through the existing dwelling.
- A number of District Councils and others said the new guidance suggested that no detection is required when a new habitable room has a final exit at ground floor. They were of the opinion that detection should be required to warn occupants of fire in a room with a final exit created by an extension. Occupants of that room may be unaware of a fire in the adjoining part of the dwelling and therefore would not receive any alert to evacuate the dwelling in the event of a fire. If this room is a bedroom and the occupants are sleeping, they may be overcome by smoke & toxic gases before being able to make their escape.
- A number of respondents highlighted no guidance regarding the standards required for alterations is provided as per the heading. An interpretation could be this is a standard for a situation where a new room is created by alterations

however no standard is provided otherwise for alterations or for the situation of retrofit which currently causes much confusion.

- Some respondents suggested the new guidance should read 'automatic fire detection' as per the requirements of 2.23 which includes smoke and heat alarms.
- A number of District Councils also suggested specifying Category LD1 would be simpler. So, a BS 5839-6: 2019 Category LD1: a system installed throughout the premises, incorporating detectors in all circulation areas that form part of the escape routes from the premises, and in all rooms and areas other than those with negligible sources of ignition, such as toilets, bathrooms and shower rooms.

DEPARTMENT RESPONSE

6.31. The NI Fire and Rescue Service have been consulted on these amendments throughout their development. They attended all NIBRAC technical sub-committee meetings and responded to the public consultation. They and the NFCC support trying to bring clarity to this issue.

6.32. There seemed to be some confusion over what was being proposed in relation to this question. The intention of the amendment is not to require a full fire alarm system with full coverage provision to existing dwellings when they are altered and/or extended but rather to clarify the provision of fire alarm coverage when an existing dwelling undergoes an alteration and/or extension which results in a new habitable room or kitchen being formed.

6.33. The Department agrees that the focus of provision has to be on the extension/alteration work itself. The guidance in the amendment will stress the provision is primarily to the new 'room' but should also be considered from that room to the final exit out of the dwelling. That may mean installing detection in circulation spaces and rooms off those circulation spaces in order to protect the means of escape through the existing dwelling to the final exit.

6.34. The Department accepts the argument the new habitable room or kitchen formed, if at ground floor, will need adequate warning of fire even if a final exit is available out of that room. That proposed part of the amendment has been dropped.

6.35. LD1 is defined in BS 5839-6: 2019 and means a '*system throughout, detectors in all circulation areas that form part of the escape routes, and in all rooms and areas other than those with negligible sources of ignition, such as toilets, bathrooms and shower rooms'*. LD2 on the other hand means '*a system incorporating detectors in all circulation areas that form part of the escape routes, and in all specified rooms or areas that present a high fire risk to occupants, including any kitchen and the principal habitable room*'. By applying this amendment to all habitable rooms, they are the specified rooms under LD2. LD1 would mean detection everywhere, including additional spaces such as utility rooms, garages, store rooms.

6.36. Revised guidance taking on board consultation comments and further review with NIBRAC and the NIBRAC technical sub-committee, has been inserted into TBE. The Department plans to implement this amendment.

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?*

Question Number	Total Responding	Yes		No		Not answered	
TBE5	**40**	**26**	**65%**	**6**	**15%**	**8**	**20%**

6.37. This amendment will bring clarity to the smoke ventilation requirements in the common escape routes of buildings containing flats. There was majority support for the amendment in principle however there was a lot of reservation on the detail and approach of the guidance being taken in TBE. The following comments were received:

- A respondent said these systems should be fully monitoring and activated through an automatic fire detection system.
- A respondent agreed there should be a means of ventilating the common corridors and lobbies to control smoke and so protect the common stairs.
- The NI Fire and Rescue Service and others responded the provision of smoke ventilation in common areas would improve the tenability of escape routes which will allow people to escape to a place of safety more easily. They said this provision will also enable firefighters to be able to enter the escape route below the smoke layer and be able to carry out rescues and fight the fire more easily.
- A respondent said this would need to be managed, considered in the design of any sprinkler systems to ensure they did not negatively interfere with sprinkler performance.
- A number of District Councils responded at length to this question. In principle, they welcomed this first draft attempt at incorporating smoke ventilation for common escape routes into TBE. They did however have concerns regarding the ambiguity of wording, content, and lack of diagrams to provide greater clarity to avoid confusion with already established guidance for those within the fire industry. They commented for 'Small buildings with no storey more than 11m above ground level, with a single stair' it would be advisable that diagrams are lifted from BS 5588:1/BS 9991 to ensure the correct approach for fire professionals. They highlighted para 2.34D 'Small building up to 11m' does not reference increasing the travel distance to 7.5m through the introduction of an AOV as noted within Figure 14 or as per Figure 8 note1 of BS 9991. They said this oversight should be corrected or if a proposed omission, an explanation as to why a deviation from previous and current guidance should be explained. They commented that further guidance should be considered regarding the operation of manual vents as per BS 5588:1, para 37.4. which covers recommendations for means of opening of windows and vents for smoke control of common areas.
  They also said they were unclear of the wording and rationale regarding, "the smoke control strategy given in (a), should not be used in an open plan flat layout design". They requested clarity as this statement appeared to deviate from guidance in BS 5588-1 / BS 9991.
  They requested greater clarity regarding para 2.34D (b) noting the maximum travel distance in the communal areas should be 4.5m. They said there is much confusion currently with this same wording in BS 9991 and there is no clarity as to where this common area travel distance restriction needs to be applied or

indeed the reasons for it. They said as previous, diagrams would be beneficial in explaining this requirement.

They said industry specialists appeared to have a greater awareness regarding positioning of AOV's however Para 2.34D(b), whilst directly lifted from BS 5588-1, still causes some confusion within the industry. To negate any confusion, they suggested reference to 'at the top of the stair' should be replaced with 'over the stair'.

For buildings with a storey more than 11m above ground level and served by a single stair, they commented reference is made to para 4.44 ventilation ducting via para 2.34(G) (b) ii) and they were unclear how this related to vents into smoke shafts for smoke control.

In relation to proposed paragraph 2.34(G) (b) (iv) (aa) in TBE i.e. *"….where the fire is located, along with at the top of the smoke…."* they said this should be reworded as it is unclear. Alternatively, they suggested to lift the wording from BS 9991 which is more concise. They provided the BS 9991 wording as follows:

> "*Where the vents discharge into a smoke shaft, the vents on the fire floor, at the top of the smoke shaft and on the stairway should all be configured to open simultaneously upon automatic activation of the system in the common corridor or lobby. The vents from the corridors or lobbies on all other storeys should be configured to remain closed*"

In relation to the recommendations regarding the operation of vents into a smoke shaft at 2.34 (G) (b) (iv) they said there is no indication if a manual override should be provided or if it is not permitted. They said alternative standards indicate:

> *"stand-alone manual override facilities should be provided that allow the fire and rescue service to have direct control of the smoke control and normal ventilation systems within the building".*

For 2.34H which recommends that a smoke vent should be provided to the top storey of the stair, they said this should be 'over the stair' to ensure this is not interpreted as a vertical vent at the top landing which may be more susceptible to wind direction. They thought this was not clear if this was a recommendation for both situations of lobby venting (shaft or wall mounted vents).

For 2.34J they said the operating procedure is not related by reference to either of the options for lobby ventilation (shaft or wall mounted vents). The operating protocol is at variance with the operating protocol for the shaft scenario which requires three vents to open and this is dealt with in detail at 2.34 (G) (b). They thought it was therefore assumed this is related to the lobby venting arrangement associated with 2.34 (G) (a). They said to avoid confusion, this should be clarified. If a general point is to be made regarding AOV's being activated by smoke detectors this could be separated out.

For multiple stair buildings, they said the smoke ventilation is indicated at 2.34K as being the same as single stair buildings with the exception that vents to the exterior may be activated manually. They pointed out both BS 5588-1 and BS 9991 have arrangements where external vents are required as AOV's. In BS 5588-1 this would be within lobbies or corridors where a dead end exists and in BS 9991 this would be in all situations within lobbies or corridors. They said it was not clear why this is replacing the ventilation arrangements in BS 5588-1.

In relation to smoke control of common escape routes by mechanical ventilation they said whilst BS 5588-1 does provide guidance and recommendations on the situations where pressurisation can be used and how this impacts design, there is no mention in guidance regarding the use of mechanical smoke extraction. They

suggested more commentary about the use of smoke extraction would be beneficial.

In general commentary they commented it is difficult to fully understand the recommendations without diagrams. They said BS 9991 regarding smoke control was currently under review however it was more up to date with current smoke control guidance and in line with Smoke Control Association guidance. They said consideration should be given to lifting diagrams directly out of BS 5588-1 or BS 9991 as the fire industry professionals are familiar with these without the need for manipulation or tweaks which will only cause further confusion. They said:

- It would avoid confusion by referencing these recommendations for smoke ventilation in TBE against BS 5588-1 diagrams for clarity and make clear which recommendations in BS 5588-1 these new paragraphs in TBE are replacing. It will not be clear to designers or Building Control how much of the smoke control recommendations in BS 5588-1 still apply or should be applied.
- There are no recommendations regarding balcony or deck approach and therefore an assumption is made that the arrangements in BS 5588-1 is still relevant.
- We would draw the Department`s attention to The Smoke Control Association guidance document – 'Guidance on smoke control to common escape routes in apartment buildings'. This document provides a critical analysis of recommendations contained in both ADB and BS 9991 which some of the recommendations proposed for TBE are based.
- There is no reference to BS EN 12101-2 in Appendix C to establish the benchmark for this requirement.
- Lastly, they concluded their submission by saying while it is recognised that phase 3 of the process to further revise TBE is still to come, it is vital that smoke ventilation is addressed to the latest standard with no room for any confusion or ambiguity.

- A respondent said it was confusing to reference BS 5588-1, which is a withdrawn document. They said it would be clearer just to reference the current BS 9991 or have a separate Volume or section in TBE covering all areas of flat building. In their view at present, the first section refers to the design inside of flats to an outdated standard and ventilation only for common areas (there are no diagrams, definitions of free areas (aerodynamic or geometric) and no commentary on other aspects of common areas (travel distances, etc.). They also commented confusion can occur between AOVs activated by detection and BS 5839-1 statements on coverage of detection in stairways. They wished to see a statement to clarify. They wished to see clarification on manual activation and how to ensure stair OV opens before floor OV and the location of activators, etc. They said they had to assume smoke vents into the shaft opened under automatic detection.
- An individual also said it was not clear on the reference in Part E Flats 2.34. Means of escape to be in accordance with BS 5588-1. They also stated this was a superseded document and asked why BS 9991 could not be used for flats and reference made to same in Part E for clarity.
- A respondent agreed with the principle of providing smoke detection and guidance for smoke detection in the Technical Booklet. However, they acknowledged it was extremely difficult to follow the text without diagrams explaining the various layouts and requirements. They pointed out both BS 5588-1 and BS 9991 both provide diagrams that greatly enhance the understanding to

the reader into what is required. They also said these standards were easier to understand as the context for the escape route design is also included, which is not the case for the proposed amendments to TBE. They requested clarification as to the reason that BS 5588-1 is still being referred to and not the more recent BS 9991:2015.

- One respondent simply said yes, they agreed with the amended guidance.
- A number of respondents did not agree with the proposed guidance and stated they would prefer to see the TBE directing you to the relevant sections of the authoritative guidance on this subject - BS 9991, rather than recreating it in part within the TBE.
- Another respondent partially agreed. They said smoke control systems control the spread or movement of smoke and fire gases during a fire inside a building. In residential buildings containing flats, the primary objective of smoke control systems is to limit the amount of smoke within the staircase closure thereby protecting the means of escape. They stated they were essential to blocks of flats that have stay-put policies where occupants are not generally expected to evacuate in the early stages of a fire. They stated the existing version of TBE makes no provision for smoke control in blocks of flats beyond those required as part of a firefighting shaft, which is currently only required in residential buildings over 18m. They said the proposed amendments would therefore significantly increase the safety of both building occupants and responding firefighters in all new residential buildings. They continued and said the proposed guidance on smoke ventilation, which has been lifted from England's ADB, has remained unchanged since before the Grenfell Tower fire and is subject to review. Whilst they did not wish to detract from the magnitude of the proposed change, they were reluctant to fully endorse the proposals at this time. They said they would support the changes on a conditional basis, until such a time that ADB has been reviewed and any revisions published.
- A respondent in supporting the proposal to clarify the measures needed to ensure adequate smoke ventilation from the common escape routes of buildings containing flats thought bringing the guidance in line with BS 9991:2015 'Fire safety in the design, management and use of residential buildings. Code of practice' was positive. That said they also thought TBE should be updated when BS 9991 is reviewed.
- A respondent thought it was extremely difficult to follow the text without diagrams explaining the various layouts and requirements. They noted that BS 5588-1 and BS 9991 both provide diagrams that greatly enhance the understanding of the reader into what is required. These are also easier to understand as the context for the escape route design is also included, which is not the case for the proposed amendments to TBE.
- A number of respondents asked if there is a reason that BS 5588-1 is still being referred to and not the more recent BS 9991:2015.
- A respondent in support said the existing version of TBE makes no provision for smoke control in blocks of flats beyond those required as part of a firefighting shaft, which is currently only required in residential buildings over 18m. The proposed amendments will therefore significantly increase the safety of both building occupants and responding firefighters in all new residential buildings.

DEPARTMENT RESPONSE

6.38. On the general matter of referring to BS 5588-1 for means of escape provisions, a number of respondents wished to see it replaced with BS 9991. BSI withdrew BS 5588-1 in 2009 and replaced it with BS 9991. As part of this amendment and a review to update a number of standards in TBE, BS 5588-1 will be replaced by BS 9991: 2015 for means of escape provisions in flats.

6.39. On the specific issue of smoke ventilation requirements in the common escape routes in flats in TBE, the majority of responses agreed in principle with trying to address this. However, the strategy of inserting provisions into TBE in piecemeal style (as proposed in the consultation) was not accepted by most respondents. The overwhelming comment on this issue was to refer to the accepted industry standard for the design of means of escape provisions in flats in BS 9991: 2015. The comments highlighted the text as proposed in TBE would cause confusion without reading the text with the Diagrams provided in BS 9991. For clarity reasons, the Department accepts referring to the recommendations in BS 9991 would avoid that confusion. Referring to BS 9991: 2015 will automatically address a lot of the concerns and ambiguity highlighted by many in their responses.

6.40. On 3 minor areas where the Department feels BS 9991: 2015 is not up to date, TBE will give guidance in line with the Smoke Control Association guide of 2020 '*Guidance on smoke control to common escape routes in apartment buildings'*. These areas are:

1. For small buildings with a single stair, for an open plan flat layout design, the guidance in TBE will clarify the smoke control strategy should involve a common lobby approach.
2. For automatic opening vents to a smoke shaft, TBE will clarify these should be a smoke damper product, tested and certified to BS EN 12101-8. Products tested as smoke rated fire doors will not be acceptable replacements for smoke control dampers.
3. In a multiple stair building with a storey over 11m above ground level, TBE will advise the corridor/lobby vents activation should be automated as per the guidance for a single stair building.

6.41. The Department is aware of a new BS 9991 potentially being published later in 2024. The Department will review the references to BS 9991 in TBE in light of any changes to the new version.

6.42. The Department will proceed and amend TBE so means of escape provisions for flats is referred to BS 9991: 2015. The smoke ventilation requirements in the common escape routes of flats will also refer to BS 9991: 2015 (except in relation to the 3 provisions as highlighted above).

Question TBE6. *Do you agree with the proposed change in guidance to require all Purpose Group 5 buildings which have a storey 900m^2 or more in area at a height of 7.5m or more above fire and rescue service access level to have firefighting shaft provision?*

Question Number	Total Responding	Yes		No		Not answered	
TBE6	40	29	73%	2	5%	9	22%

6.43. There was majority support for this amendment which will ensure increased public and firefighter safety and harmonise TBE with other standards such as BS 9999 and other equivalent UK regions requirements in relation to Purpose Group 5 "Assembly and Recreation" buildings. Only 2 respondents were against the proposal. Comments received included:

- The NI Fire and Rescue Service and a number of other respondents thought this would improve public safety by enabling firefighters to enter the firefighting shaft in these buildings to carry out rescues and fight fires more easily.
- A number of respondents said this would enhance firefighter safety also.
- One respondent said it was appropriate to do given the increased fire loads in modern buildings including greater use of plastic electrical equipment and more insulated buildings.
- A number of District Councils responded this would harmonise TBE guidance with that in BS 9999 and equivalent ADB in England.
- A number of District Councils also said research has shown that some Purpose Group 5 buildings are higher risk and hence increased safety for fire service operations was appropriate.
- A respondent said Purpose Group 5 buildings by their very nature are intended for members of the public and often in very large numbers. Accordingly, there is no discernible reason why these buildings should be provided with a lesser standard of firefighting facilities.
- One respondent commented provision of firefighting shafts should be dictated by the Fire and Rescue Service.
- Another respondent thought the height requirement for firefighting shaft provision should be consistent across all building types.
- A respondent thought the proposal was excessive where the fire load in a Purpose Group 5 building (Assembly and Recreation) was similar to an office type building, where occupants are also similarly awake and familiar.

DEPARTMENT RESPONSE

6.44. Overwhelming support was received for this amendment including from the Fire and Rescue Service and the National Fire Chiefs Council. The NI Fire and Rescue Service have been consulted on these amendments throughout their development. They attended all NIBRAC technical sub-committee meetings and responded to the public consultation. One respondent felt these organisations should dictate this requirement.

6.45. The Department will implement this amendment in TBE guidance, amend the relevant Diagram on firefighting shaft provision in TBE and insert a new Diagram illustrating the components of a typical firefighting shaft.

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)?*

Question Number	Total Responding	Yes		No		Not answered	
TBE7	**40**	**28**	**70%**	**3**	**8%**	**9**	**22%**

6.46. There was majority support for this amendment however there was some confusion over the wording and a number of respondents sought clarity on where sprinklers are provided on the storey or not. It was accepted this will improve firefighter safety and harmonise TBE with BS 9999 and other UK equivalent requirements. Only 3 respondents were against the proposal. Comments received included:

- A number of respondents said this would enhance firefighter health and safety.
- In supporting the proposal, the NI Fire and Rescue Service suggested the wording could be improved to give greater clarity by starting the provision with 'where sprinklers have been provided'.
- Also, in supporting the proposal, another respondent suggested Table 6.1 'Minimum number of firefighting shafts in a building fitted with a sprinkler system' is removed entirely rather than amended.
- A number of District Councils responded this would harmonise guidance in TBE with current standards contained within BS 9999 and BS 9991 and equivalent ADB in England. They suggested the relevant Diagrams from ADB in England along with a reference to Table 17 of BS 9999 were replicated in TBE to assist with the understanding of this amendment.
- Several District Councils also commented the revised guidance did not appear to involve a requirement in relation to maximum hose distances for basements which require a firefighting shaft.
- A couple of respondents commented it would appear from the changes that additional firefighting shafts are not required beyond 2000m^2, as per the current TBE, and that no explanation is given in the consultation document for this.
- A respondent said no explanation or rationale has been provided as to why protected stairways have been included in addition to firefighting shafts.
- A respondent said the new guidance on firefighting shafts provision would see the number of firefighting shafts dictated by hose laying distances alone.
- Some respondents felt, given that a protected shaft does not typically contain a fire main nor is it provided with the same level of protection or facilities as a firefighting shaft (in terms of passive fire resistance, firefighting lobbies, ventilation etc.), it is not clear how relating hose laying distance to a protected shaft with a fire main, installed for buildings that are not sprinklered is achieving an increased level of safety to fire fighters.
- One respondent said Fire & Rescue Service Operational side are best placed to comment.
- One respondent said there will be situations where these distances could easily be exceeded as 40 metres is a common distance from a fire engine in a public carriageway to the front door of a flat.

- One respondent did not agree as this would have a significant impact on Housing Associations. They also said they were not aware of any evidence which demonstrated that the current provision here is not adequate or has inhibited fire-fighting efforts.

DEPARTMENT RESPONSE

6.47. The guidance on firefighting shaft provision needs to be read as a whole. The requirement for firefighting shafts in TBE will be based on the type of building (purpose group), storey height above or below (for basements) Fire and Rescue access level, storey floor area, provision of sprinklers or not and hose laying distances from a fire main to every part of a storey.

6.48. This amendment is aimed at increasing the level of protection for firefighters entering a compartment to fight fires and effect rescues. The requirements in TBE are not being reduced. On the contrary, additional criteria is being introduced for buildings not fitted with sprinklers, whereby hose laying distances to a Fire Main will be more onerous to meet.

6.49. The amendment maintains the existing requirement for every part of a storey to be within 60m of a fire main in a firefighting shaft where sprinklers are fitted throughout. For buildings not fitted with sprinklers, they still have to meet the criteria of every part of a storey being within 60m of a fire main in a firefighting shaft but also will have to meet a second criteria of every part of the storey being within 45m of a fire main (not necessarily in a firefighting shaft); a protected stairway is acceptable. This additional criterion makes compliance more onerous and increases safety for firefighters in terms of penetration distances into a compartment from a fire main. Protected stairways are a relaxation from fitting additional firefighting shafts but the requirement for firefighting shafts is not diminished by this amendment.

6.50. Due to some confusion on wording, the guidance has been amended slightly for clarity. Table 6.1 will be removed entirely. A new sub-heading 'Number of firefighting shafts' will be inserted and text will outline the number of firefighting shafts required in a building is based on floor level above or below Fire and Rescue Service access level and floor area.

6.51. Two new Diagrams will be introduced with this amendment. New Diagram 6.1A 'Components of a firefighting shaft' and Diagram 6.1B 'Location of firefighting shafts: hose laying distances'. These should assist with the understanding of the amendment.

6.52. Under a sub-heading 'Location of firefighting shafts', the guidance will *read 'every part of every storey…*' which is applicable to basement storeys requiring a firefighting shaft as it is to storeys above Fire and Rescue access level.

6.53. TBE is intended to provide guidance to the Part E regulations for the more common building situations. Buildings with a storey floor area beyond 2000m2 are not a common situation. Hence TBE only gives guidance on the number of firefighting shafts needed in a building for storeys up to 2000m2. Designers will have to demonstrate compliance with Part E in another way other than using TBE where floor areas more than 2000m2 are involved.

6.54. This will bring here into line with other regions by making this amendment. The amendment, just like that which has been implemented in those regions, is based on

research findings on the safe penetration distances for firefighters into a compartment. The Building Disaster Advisory Group's (BDAG) research project of 2005 – '*Economic impact of the inclusion of BDAG proposals for the provision of firefighting equipment and facilities in the revised Part B*' in the post World Trade Centre fire of 2001 informs this amendment. The requirement will not apply to existing buildings retrospectively but to developments in the future.

6.55. The Department will amend TBE to implement this new requirement.

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?*

Question Number	Total Responding	Yes		No		Not answered	
TBE8	40	30	75%	1	3%	9	22%

6.56. There was almost unanimous support for this amendment with only one respondent (an individual) not agreeing. That individual did not give any comments as to the reason why. The responses included:

- The NI Fire and Rescue Service and other respondents indicated this provision would enhance firefighter safety and reflected the fact that mains water pressure has generally reduced in most locations.
- A number of District Councils said research had demonstrated the difficulties incurred with flow rates via a 60m height dry riser.
- The same District Councils said the change would harmonise guidance with more up to date guidance in BS 9991, BS 9999 and ADB in England.
- A respondent said this would improve the ability of fire and rescue pumping appliances to deliver a sufficient flow of water to the uppermost floors. They commented it should also serve to reduce the time taken before firefighters are able to begin applying water to a fire.
- A respondent believed that Fire and Rescue Service operational side and Building Control were best placed to comment.
- A number of other respondents simply agreed and had no objection to the amendment.
- One respondent in welcoming the amendment said any proposals to improve access and facilities for the Fire and Rescue Service were to be supported.

DEPARTMENT RESPONSE

6.57. The NI Fire and Rescue Service have been consulted on these amendments throughout their development. They attended all NIBRAC technical sub-committee meetings and responded to the public consultation. They support this amendment. The National Fire Chiefs Council (NFCC) also supported this amendment in their response.

6.58. The views expressed highlighted this amendment will enhance firefighter safety, enable the Fire and Rescue Service to supply a sufficient flow of water to upper floors and harmonises TBE with other UK standards and requirements in BS 9991 and BS 9999.

6.59. The Department will implement this amendment so the maximum height provision for a dry fire main will be reduced from 60m to 50m in TBE.

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)*

Question Number	Total Responding	Yes		No		Not answered	
TBE9	**40**	**27**	**68%**	**4**	**10%**	**9**	**22%**

6.60. This amendment will mean pump appliances will have to effectively gain access closer to dwellinghouses and flats (where the building is not fitted with a fire main) for new developments.

6.61. There was majority support for this amendment however a few respondents (Housing Association body and others) did express concern over development schemes currently underway, having to comply with the requirement. The comments received included:

- The NI Fire and Rescue Service responded this would enhance firefighter safety by enabling a fire appliance to get closer to new dwellings, and by reducing the distances firefighters have to run hoses to extinguish fires.
- One respondent said existing guidance only imposed maximum hose laying distances to the door of a house or flat. Overall hose laying distances could be significantly greater than this, particularly in larger flats and houses. They said the amended guidance more clearly establishes the maximum expected hose laying distances which will improve the ability of firefighters to respond effectively.
- A number of District Councils said this would help to overcome research which had demonstrated the difficulties incurred with flow rates for effective firefighting. They also said this would harmonise guidance with more up to date guidance in BS 9991 and ADB in England.
- A respondent said amended guidance more clearly establishes the maximum expected hose laying distances which will improve the ability of firefighters to respond effectively.
- A respondent believed that Fire and Rescue Service operational side and Building Control were best placed to comment.
- One respondent simply said it was not practicable to apply in many settings e.g. city centres etc.
- A respondent believed this could potentially impact housing schemes that already have planning approval as the layouts will have been determined based upon ‘old guidance’. They requested the Department details what the transition arrangements would be for the introduction of this proposal and how they might affect phased housing layouts, particularly where infrastructure and roads may be in place, but individual dwellings may not be commenced. They said typical transition arrangements mean that individual dwellings not commenced within 6 months have to apply new rules, however this may prove very difficult if roads and other infrastructure constraints are in place. They also said that the hose penetration distance of at least 40m is easily exceeded.
- Another respondent disagreed with the proposed change and said this would have a significant impact on Housing Associations. They said they were unaware

of any evidence which demonstrates the current provision here is not adequate or has inhibited fire-fighting efforts.

- One respondent in welcoming the amendment said any proposals to improve access and facilities for the Fire and Rescue Service were to be supported.

DEPARTMENT RESPONSE

6.62. The NI Fire and Rescue Service have been consulted on these amendments throughout their development. They attended all NIBRAC technical sub-committee meetings and responded to the public consultation. They support this amendment. The National Fire Chiefs Council (NFCC) also supported this amendment in their response.

6.63. The transition period between this new requirement being made and it coming into operation will be 6 months. All building regulation requirements relate to the date of application to District Council Building Control. Development schemes already commenced and possibly past the planning stage will not be subject to the new requirement if their application to building control is made before the coming into operation date.

6.64. This amendment will bring here into line with other regions which implemented it some time ago. The requirement will apply to new schemes through application to Building Control. It will not apply retrospectively to existing housing developments.

6.65. The Department intends to progress with this amendment which will bring harmony with other regions and with the BS 9991 standard. The transition period of 6 months proposed for all amendments to come into operation should alleviate any concerns with housing developments already past the planning stage as the requirement will only apply to schemes submitted for building control approval after the coming into operation date.

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?*

Question Number	Total Responding	Yes		No		Not answered	
TBE10	**40**	**32**	**80%**	**1**	**2%**	**7**	**18%**

6.66. This amendment will mean buildings. containing flats, with a storey more than 11m above ground level will be fitted with an emergency evacuation alert system to assist the Fire and Rescue Service, if ever they need to evacuate the whole or part of a building. There was almost unanimous support for this amendment with only one respondent disagreeing. The following comments were received:

- The sole respondent disagreeing with this proposal said it contradicted the principle of early warning to provide opportunity to escape before fire fully develops and further consideration was required. As they previously recorded in this consultation, they believed the height of the building should not impact on an emergency evacuation alert. They pointed to Interim Research Findings undertaken by Dr Stuart Hodkinson and Andy Turner of University of Leeds, UK and Phil Murphy an Independent High Rise Safety Consultant as support for their comments.
  https://www.hrrbfiresafety.com/post/fire-risks-of-purpose-built-blocks-of-flats-an-exploration-of-official-english-fire-incident-data
- Another respondent felt this would be better achieved through a current AFD system. They suggested a simple key switch system can be installed for the Fire and Rescue Service to activate audible and visual alarms within a premises for evacuation purposes. They suggested it would be more cost effective and could be designed through adherence to the BS 5839 standard.
- A respondent felt the threshold of 18m should be lowered to 11m. They suggested an 11m threshold is appropriate to align with the heightened fire safety risks associated with buildings above this height, as identified elsewhere in TBE. They also believed the threshold should be measured in relation to the height of the building as opposed to the measure to the uppermost storey. They said this would ensure 4 storey residential buildings which may have building heights exceeding 16m, would be subject to the standard of fire safety.
- In support, one respondent wished to know if it would apply solely to new buildings or is it a requirement for this to be retrofitted as per Grenfell Phase 1 Report recommendation "*for HRRBs already in existence*".
- One individual said he wished to see evacuation alert systems incorporated into all automatic fire detection and alarm systems where, stay put, phased, or lateral evacuation is practiced.
- The NI Fire and Rescue Service and another respondent said this would assist the Fire Service to be able to send an alert to be able to evacuate a property due to an emergency such as a gas leak, or external fire spread. They said this was an optimal solution rather than a fire alarm system in common areas. It will also satisfy the recommendation in the Grenfell Tower Inquiry Phase 1 Report that all high-rise residential buildings (both those already in existence and those built in the future) be equipped with facilities for use by the Fire and Rescue services,

enabling them to send an evacuation signal to the whole of (or a selected part of) the building.

- A number of District Councils said this would enhance the safety of fire fighters and residents and the system would have greater benefit if residents were aware of the facility and the action required. They also said consideration should be given to the provision of such a facility for buildings below 18m.
- An individual wished to see this extended to tall and complex buildings and not just dependent on height alone.
- One respondent highlighted the need for the emergency evacuation alert system to consider the needs for residents with long-term illnesses and disabilities. They said the best way to ensure disabled residents are and feel safe in their homes is to engage residents in discussions about their own safety. They suggested the only way to achieve simultaneous evacuation of a building for all was to offer personal emergency evacuation plans to all residents who would not be able to evacuate by themselves independently and to take reasonable steps to make any adjustments needed.
- A respondent, in agreeing with buildings containing flats with a storey more than 18m above ground level, also suggested this requirement be extended to buildings that are 11 metres in height and buildings that meet a minimum threshold of number of flats. They pointed to buildings that are especially wide which could pose a risk to households evacuating, despite the building not being 18 metres in height. They said 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.
- A respondent agreed with the proposed requirement saying whilst rare, it would allow agile and dynamic assessments to be made of what is appropriate action for safety of tenants. They said a significant amount of low-rise domestic premises that do not reach the height of 18m can house a significant amount of flats sited over a larger floor area. Fire can start on any floor and Fire crew commanders will have to use up valuable resources and put their crews at additional risk by instructing them to knock on every flat entrance door and explain the need to evacuate. The obstacles involved of language barriers and inebriated persons were highlighted. They therefore suggested the evacuation alert system should be considered on the square meterage and level of occupancy of a premises and not just the height.
- One respondent agreed with requiring an emergency evacuation alert system to be installed in buildings containing flats with a storey more than 18m above ground level. However, they asked for clarification on why the height is now 18m and not 11m which has been used throughout the consultation to this stage.
- A respondent in welcoming in principle, the proposals to amend the guidance for ‘Facilities and Access for the Fire and Rescue Service’, to assist firefighters in their operations of search and rescue and firefighting noted that the changes will implement some of the recommendations from the Grenfell Tower Phase 1 report and will bring the guidance in line with British Standards and other devolved government guidance.

DEPARTMENT RESPONSE

6.67. The provision of an emergency evacuation alert sounder system in a building is not for means of escape purposes. It is not intended as a substitute for adequate means of escape. Adequate appropriate means of escape should be in place for all residents

regardless of ability. It is provided as an instrument to assist the Fire and Rescue Service to evacuate all or part of a building in the event of an emergency. It will be required under Regulation 37 'Facilities and access for the Fire and Rescue Service'.

6.68. All buildings should be fitted with adequate means of detection and warning in order to comply with Regulation 33 'Means of escape' of Part E. Provision of an Emergency Evacuation Alert System does not conflict with the strategy of stay-put for buildings containing flats. British Standard BS 8629 '*Code of practice for the design, installation, commissioning and maintenance of evacuation alert systems for use by fire and rescue services in buildings containing flats'* recommends these systems should not be integrated with the fire alarm system in a building to avoid confusion which could lead to inappropriate use of fire detection and alarm systems undermining the stay put strategy. The British Standard states until there is greater experience and practical understanding of Evacuation Alert systems, the risks of integrating them with other systems outweighs the benefits of integration.

6.69. All building regulations apply on the date of application to the District Council building control. This requirement will not apply retrospectively to existing High Rise Residential Buildings but rather to buildings where applications are made with the intention to carry out building work or a material change of use.

6.70. The new requirement will apply to buildings, containing flats, with a storey more than 11m above ground level, which has been lowered from the proposed consultation threshold of 18m. This will mean a more onerous application than the equivalent requirement in England and Scotland. Below 11m, it is feasible for firefighters to knock on doors to alert residents to evacuate. Phrasing the requirement in terms of top storey height aligns with other jurisdictions as opposed to some suggestions of it being based on number of flats, occupancy levels or square meterage. All of these could lead to unenforceable criteria to assess.

6.71. The Department intends to implement this new requirement to buildings, containing flats, with a storey more than 11m above ground level. It does address, in part, a recommendation from the Phase 1 report to the Grenfell Tower Inquiry which said:

"that all high-rise residential buildings (both those already in existence and those built in the future) be equipped with facilities for use by the fire and rescue services to enable them to send an evacuation signal to the whole or a selected part of the building by means of sounders or similar devices".

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?*

Question Number	Total Responding	Yes		No		Not answered	
TBE11	**40**	**32**	**80%**	**0**	**0%**	**8**	**20%**

6.72. This amendment will mean the provision of wayfinding signage in buildings, containing one or more flats, with a storey more than 11m above ground level. There were no objections from the respondents to this proposal. The following comments accompanied the responses:

- One respondent assumed this would also be a retrospective application.
- One respondent felt wayfinding signage should be provided in all multi storey residential buildings containing more than 8 units.
- Two respondents, one of which was the NIFRS said this should be extended to any building containing flats. They said situations where wayfinding signage would be of benefit are not limited to buildings in excess of 11m. In any premises exceeding a single storey, there is an opportunity to become disorientated. Similarly, in any premises exceeding a single storey, firefighters may need to identify specific floors. This is especially the case where there are multiple exits on different floors (buildings on slopes), the use of different exits on different floors of flats (maisonettes for example), or where access from stairs does not cover every floor. They said given that the cost per building of implementing this measure is likely to be low, it was their position to support the provision of wayfinding signage in all multi-occupied residential buildings. They concluded the provision would also assist the occupants of properties to be able to find their way around a property, and enable firefighters to more easily describe and locate the areas they need to travel to. One of the two respondents commented the requirement for wayfinding signage in England and Wales is also at 11m and, in both jurisdictions, they had called for a similar change.
- A number of District Councils said the signage is a simplistic solution at very minimal cost that can assist firefighting operations and enhance firefighter health and safety. In relation to the trigger height for the scope of this regulation they said that any selection of building height would be arbitrary. Given the purpose of the requirement is to help firefighters quickly establish what floor they are on in smoke filled situations, this is likely to be more of an issue in taller buildings. They said the height of 11m will typically include buildings over 4 storeys which would seem generally appropriate.
- One respondent wished to see this considered where alterations are carried out to these types of buildings also.
- One respondent suggested a risk assessment approach to establish provision at design stage.
- A respondent wished to see this extended to tall and complex buildings and not dependent on height alone e.g. split-level flats, flats with different entry levels on different floors.
- A number of respondents simply agreed with the provision of wayfinding signage at the proposed threshold of 11m.
- A respondent in welcoming in principle, the proposals to amend the guidance for ‘Facilities and Access for the Fire and Rescue Service’, to assist firefighters in

their operations of search and rescue and firefighting, noted that the changes will implement some of the recommendations from the Grenfell Tower Phase 1 report and will bring the guidance in line with British Standards and other devolved government guidance.

DEPARTMENT RESPONSE

6.73. On the issue of fitting retrospectively to existing buildings and applying to a broader range of buildings, like all building regulations requirements, they apply on the date of application to Building Control when building work or a material change of use is intended. The requirement will not apply to existing buildings retrospectively. Applying at the threshold height of 11m brings here into line with England and provides consistency for industry.

6.74. This requirement in TBE is to Regulation 37 'Facilities and access for the Fire and Rescue Service'. The regulation requires a building to be designed and constructed with reasonable facilities as are necessary to assist the Fire and Rescue Service in ensuring the safety of people in and about the building in the event of fire. Alteration work to an existing building will trigger this requirement to the altered work itself but not necessarily to the whole building.

6.75. With no objections to this proposal, the Department intends to implement this new requirement to buildings containing flats with a top storey more than 11m above ground level. This is consistent with the same requirement in England's equivalent ADB which also applies above the same threshold height of 11m.

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?*

Question Number	Total Responding	Yes		No		Not answered	
TBE12	**40**	**29**	**73%**	**1**	**2%**	**10**	**25%**

6.76. There was majority support (almost unanimous) for this amendment with only one respondent objecting to the proposal. This one respondent did not give any comments. The following comments were made:

- One respondent assumed this was to be a retrospective application.
- A respondent suggested as it is not that onerous to provide, these boxes should be available for all residential accommodation, particularly if the building accommodates people with limited capacity to self-evacuate.
- The NI Fire and Rescue Service said these boxes should be provided in all buildings, irrespective of height or use.
- The NI Fire and Rescue Service also said Secure Information Boxes (SIBs) are not a new concept, and they are already used by some building and business owners to provide information to the Fire and Rescue Service. They said a similar requirement to provide SIBs for new blocks of flats exists in England. However, this is supported by additional legislation that applies from occupation onward, which specifies the information that must be provided including floor and building plans, and information on the external walls.
- The NI Fire and Rescue Service and other respondents highlighted that this requirement will not address the need for a separate regulatory requirement to ensure these boxes contain information relevant to responding firefighters. They suggested additional legislation was needed which would apply after building regulation requirements and from occupation onwards. This legislation would need to specify the information that must be provided including floor and building plans, information on external walls etc.
- The NI Fire and Rescue Service also welcomed the reference to the use of the best practice guidance published by the Fire Industry Association. However, they noted that it only referred to sections 2 to 4. They proposed that in the absence of any alternative guidance on the information that should be provided, TBE should advise that the FIA guidance also sets out the information the Fire and Rescue Service would expect to see stored within the secure information boxes.
- A respondent suggested the identity of the ‘responsible person’ should be provided and maintained as part of the information for clarity purposes.
- Another respondent said the information that will be stored in the secure information box should form part of the documentation submitted and approved by building control. To that end they suggested Completion Certificates for buildings should not be issued until all the fire safety documentation has been approved by building control.
- One respondent proposed the continued assessment and the availability of the safety documentation should form an integral element of the fire risk assessment.
- An individual wished to see this extended to tall and complex buildings and not dependent on height alone.

- Another respondent highlighted that the standardisation of information required in these boxes should be clarified.
- A number of District Councils were supportive of the proposal. One Council highlighted there is a long-standing mutual relationship between the NI Fire and Rescue Service (NIFRS) and District Councils sharing information with regards to building design and works. Due to the size of each Council area, they believed it was standard practice for NIFRS to already maintain relevant information on buildings.
- One respondent said it is critical the information is of quality and accuracy and highlighted the need for a legislative requirement to keep it up to date otherwise it would become useless.
- A respondent said it was not clear who should have access to the information and how this should be achieved.
- A respondent proposed more specifics was needed on what is considered to be "easily located and identified by firefighters" and "secured to resist unauthorised access but readily accessible by firefighters".
- One respondent proposed this requirement is extended to all 'relevant premises' as defined under the Fire and Rescue Services NI Order 2006.
- Another respondent said there is no separate regulatory requirement to ensure these boxes contain information relevant to responding firefighters.
- A respondent noted this will implement some of the recommendations from the Grenfell Tower Phase 1 report and will bring the guidance in line with British Standards and other devolved government guidance.

DEPARTMENT RESPONSE

6.77. Like all building regulations requirements, this new requirement will apply on the date of application to Building Control when building work or a material change of use is intended. This requirement will not apply to existing buildings retrospectively.

6.78. In relation to applying this requirement to a broader scope of building types than that proposed at the threshold of 11m for buildings containing flats, this threshold brings here into line with England's same requirement in ADB and provides consistency for industry.

6.79. Building Regulations cannot require the type of information to be installed and maintained in the box. That is for other legislation when the building is occupied. In England this is required under the Fire Safety (England) Regulations 2022. All Building Regulations can require is provision of the physical box. It is not for Building Control to assess the type of information and use it as an issue to with-hold issuing of a completion certificate. The guidance in TBE will give a note referencing the Fire Industry Association publication that contains the type of information that should be provided.

6.80. The fire risk assessment for a building is required under other legislation and is not a Building Regulations matter. Unlike legislation in England, there is no 'responsible person' for buildings containing flats here. Nonetheless landlords, freeholders or management agents are likely to have fire safety duty responsibilities and would be expected to co-operate with the NIFRS.

6.81. These boxes are already provided as common practice in many buildings. It is intended to apply this requirement to buildings, containing flats, with a top storey more than 11m above ground level. This will address in part a recommendation from the Grenfell Inquiry Phase 1 report.

7. Impact Assessment Question

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

Question Number	Total Responding	Yes		No		Not answered	
IA1	40	17	43%	5	12%	18	45%

7.1. A majority of respondents chose not to answer this question. Of those who did, most agreed with the assumptions, costs and impacts set out in the Regulatory Impact Assessment. The 5 respondents answering 'no' included 2 individuals. The following comments were received:

- An individual said that given the figures generated by the cladding scandal and the potential problems related to building structures associated with Reinforced Autoclaved Aerated Concrete (RAAC), they suspected the costs and impacts on occupiers, Local Authorities and Housing associations had been significantly underestimated. Despite this he said good management, effective remedial planning and well-planned execution will offset some of the negative impact and maintain as much confidence in the housing sector as possible.
- A respondent commented applications and approval usually follow the planning application process and therefore it would be prudent for all designers to be aware of the Part E requirements at planning stage and to include (or at least design to allow for) any required details as part of the planning application. This would negate the need for revisions/amendments to approved planning drawings to comply with Part E requirements at the post planning decision stage, saving time and money. Ensuring designers/architects are aware of Part E requirements at planning stage could negate the need for subsequent applications to amend previously approved schemes. They suggested there may be the potential for the Department for Infrastructure to issue some guidance/advice to this effect and potentially to clarify that the majority of post-planning changes required to comply with Part E requirements would likely be considered as non-material changes.
- A District Council said they had no evidence to verify the cost assumptions but agreed that the social, economic and environmental benefits of the changes especially those relating to sprinkler protection in residential buildings and the increased coverage for smoke detection in dwellings are difficult to fully establish. They said to follow Option 1, which would involve no changes, will leave our fire safety standards lagging well behind other parts of the UK and ROI. In this regard they would concur with the Option 2 proposal to implement the changes to Part E and TBE to ensure resident safety and keep Northern Ireland in line with other parts of the UK and ROI.
- Another District Council said the proposed changes will affect all those dealing with relevant building work, typically the erection, extension or alteration of a building and buildings created as a result of a material change of use. This may include Architects, Surveyors, Engineers, Developers, Builders, Contractors, District Council Building Control Departments, Property owners/occupiers, Insurers etc. They stated training and familiarisation for them would be carried out in house within their Council at no additional cost to them other than the time

required. They questioned the 1.5 hours allocated per building control officer for familiarisation, training and understanding which they said appears hugely underestimated. They recited the costs and benefits estimated by the Department along with the other social, economic and environmental benefits of the changes which did not have a value. They recognised not implementing these changes would mean that resident safety would remain at the current level and would leave this region exposed in lagging behind fire safety standards already implemented in other regions of the UK and ROI.

- A third District Council said it is difficult to ascertain with certainty to what affect the details provided in the RIA would have within their Council area. They said the proposed changes will result in a cost impact on Building Control Departments firstly to adequately train staff and secondly the additional assessment time required to confirm compliance both at plan assessment and site inspection stages.
- A respondent suggested 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. They said 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, they suggested there could be a decline in new property developed over 11 metres. It is for this reason that they proposed broadening the scope of the building safety regulations. Additionally, they said there is likely to be an increase in demand for management companies to take responsibility for managing fire safety, rather than the property owner.
- One respondent simply said they had no comments on the accuracy of this report.
- A respondent said the impact assessment does not seem to address why the consultation proposals have not gone further. They said this seemed like a missed opportunity to quantify the economic impact of increasing the scope of the proposed regulations and justify the limits to the proposed change. Since there appears to be no economic justification for the limits on scope (particularly in relation to Regulations 37A and 37B), they saw no reason why the scope should not be reviewed.
  For example, in Annex B of the consultation's impact analysis, it is noted that legislating the mandatory provision of fire safety information has potential cost savings, reducing the cost burden of sourcing this information further into a building's life. This respondent agreed and reiterated their stance that the requirement should apply to buildings containing two or more flats, regardless of height. They said there was no economic justification not to increase the scope of Regulation 37A.

DEPARTMENT RESPONSE

7.2. All impact assessments are forecasts of what is likely to happen in the future based on existing data. A number of assumptions and estimations have to form the basis of the calculations to derive the costs and benefits for this package of changes to fire safety standards in buildings. As such, while every effort is made, it could never be 100% accurate. The purpose is therefore to give a general steer as to the likely impact involved. The final figure here for impact on the industry is estimated at £5.47m per annum. We can be confident that the impact will not be, say £50m while at the same time it will not be £500k. We believe it is most likely to be in the region of £5m - £6m.

7.3. The joined-up approach between Planning requirements and building regulations requirements is a much bigger process question and for those reviewing the broader building regulatory system to consider. The recently created Residential Building Safety Division in DfC will be considering a review of the regulatory system here. Their intention is to develop, implement and maintain a building regulatory system that manages the whole life of residential buildings and promotes a culture of safety. DfC's Residential Building Safety team will carry out work to determine if competency frameworks or specific mandatory requirements are needed in NI. They will engage with relevant stakeholders to inform the right solution for NI.

7.4. On the suggestion that there is likely to be a reduction in investment in high-rise buildings due to the increased costs of implementing higher fire safety requirements, the proposals are designed to be proportionate to the risks that come with medium to high rise residential buildings in particular. They should ensure they do not hamper a step change increase in the supply of new homes.

7.5. The consultation version of the impact assessment suggested Regulation 37A would be cost neutral as there are likely to be cost savings further into a building's life cycle (fire risk assessment etc.) to offset the costs associated with compliance at design and construct phase. Regulation 37A will be increased in scope to all buildings containing one or more flats along with all relevant premises as defined under the Fire and Rescue Service NI Order 2006.

7.6. A final regulatory impact assessment (RIA) will accompany publication of the changes in building regulations. The Department will review the allocation of training time for building control officers to come to terms with the new changes. Any additional time will be reflected in the final RIA.

7.7. The impact on industry here will be relatively low and the benefits in terms of enhanced safety levels for residents/occupants and firefighters combined with clarity for everyone involved in the construction process outweighs the low impact to industry.

8. General Comment Question

Question G1. *Please set out any additional comments you have below.*

RESPONDENT

8.1. An organisation said they would like to be part of the stakeholders in relation to any further consultations in relation to Fire safety. They said there is a huge issue within NI in relation to building controllers. They also added there is no consistency to the installation and design of the automatic fire alarm systems, primary in relation to the stay put policy of multi occupancy buildings. Each council in NI is different from one another.

They continued that a big challenge for the industry is not having the ability to report a premises that is not to standards. There needs to be a body similar to the HSE that is able to inspect and audit buildings to be compliant. There are many buildings in NI that have been issued fire risk assessments and not acted upon them or where owners are skimping on finances and not having a BS:5839-1 system maintained by a competent company.

Something they would like to see is that fire alarm installers are licensed, similar to the PSA scheme in Southern Ireland and or the gas safe scheme in the UK.

DEPARTMENT RESPONSE

8.2. The Department will be happy to include this organisation as a stakeholder for future amendments to fire safety standards in Building Regulations. The 11 Council areas in NI are tasked with enforcing the building regulations in their respective areas. A body called Building Control Northern Ireland (BCNI) meets every month where all Council areas discuss matters of mutual concern and consistency in building regulations enforcement. The newly formed Residential Building Safety Team in the DfC will be considering changes to the regulatory system here with regard to similar changes in England under the Building Safety Act. That process should involve review of the relevant legislation, inspection and audit processes for buildings here.

RESPONDENT

8.3. A respondent said they largely agreed with the changes proposed to TBE. However, as detailed in their responses, they strongly believed the 11m trigger height for relevant premises should be defined by the height of the building, not the height of the uppermost storey. This would ensure 4-storey residential buildings (which may have ‘building heights’ exceeding 16m) are subject to the proposed, higher standards of fire safety. They also strongly supported the changes introduced to TBE in April 2022, as included in the July 2023 Consultation Draft version. Regarding the April 2022 changes, they proposed that the definition of a non-combustible material provided in paragraph 1.8 and elsewhere in TBE should be “a material classified Class A2-s1, d0 in accordance with BS EN 13501-1”. They said this definition of non-combustibility is consistent with the language of the ‘ban on combustible materials’ introduced in 2022, notably around the requirement to use A2-s1, d0 or better performing materials where the use of combustible materials is prohibited. Furthermore, this definition provides constancy and clarity of meaning for fire professionals and less expert actors alike.

They also proposed that, as elsewhere in the UK nations, BS 476-derived 'national' classifications for reaction to fire should be removed from statutory guidance, and the Euroclass system referred to solely. The removal of national classifications such as "Class 0" eliminates a long-standing and serious source of confusion:

- The Class 0 classification is concerned with the fire properties of the surface of a product, it tells us very little about the fire performance of the underlying material. For example, Euroclass A1, A2, B, C, D, E and F products can achieve a Class 0 rating, where supplied with aluminium foil facings. In contrast to the BS 476-derived classification system, the Euroclass reaction to fire system is uniquely able to effectively determine combustibility (and importantly whether a material is non-combustible), ignitability, flame spread, calorific value, as well as the development of smoke and burning droplets.
- Notwithstanding these limitations, sections of the building industry believe Class 0 provides an assurance of the fire performance of all elements of a product, including the underlying material. Moreover, parts of industry understood a Class 0 classification to be equal, or a close equivalent, to non-combustibility. It was also not uncommon for manufacturers of combustible materials to provide Class 0 ratings in lieu of Euroclass ratings, and to focus their product marketing around the national classification. They concluded references in TBE to other national reaction to fire classifications such as "Material of limited combustibility" are similarly confusing and unnecessary.

DEPARTMENT RESPONSE

8.4. Storey height above ground level is a common metric used in building regulations as opposed to building height and is consistent with other regions equivalent requirements. The changes to the building regulations and TBE in 2022 introduced a new requirement for 'reaction to fire' for materials to be used in external walls and specified attachments. The removal of reference to BS 476 for reaction to fire classifications under the National classification system will be considered as part of a future consultation on Part E and TBE.

We think our definition in paragraph 1.8 is correct as A2 s1,d0 is a limited combustible class as opposed to non-combustible. We agree there is confusion around Class 0 and some in the industry mis-interpreting this as being equal to higher European classifications. Removal of Class 0 from TBE will form part of the package to consider removing all national classifications to BS 476 for 'reaction to fire' from the book in a future amendment.

RESPONDENT

8.5. An organisation said to please not forget about hotels. They said people can be asleep and are unfamiliar with the building. Above about 11 m, firefighters need to effect rescue and fight the fire internally. They need more time to prepare to do this, during which the fire grows and occupants may not be able to escape. They said sprinklers are therefore essential.

DEPARTMENT RESPONSE

8.6. Regulation 37B is the first step in relation to prescriptive Automatic Fire Suppression Systems requirement for buildings, containing flats and Purpose built student accommodation, both with a storey more than 11m above ground level and all

residential care premises. It is intended to consider other buildings being added to the list in the future of which hotels will be one.

RESPONDENT

8.7. An organisation said sprinkler system design and installation must be carried out by a competent person. They said this implies that a training program will have to be put in place by the relevant institutes and associations to ensure an adequate transition of competencies for current persons working in building services.

DEPARTMENT RESPONSE

8.8. The limited number of buildings Regulation 37B will apply to initially should mean any extensive need for local training provision through institutions at this stage should not be necessary. As the list of buildings is added to, the issue of adequate competencies and training programmes that specialise in sprinkler design and installation will become more prevalent.

RESPONDENT

8.9. An individual welcomed the amendments and believed this would make buildings safer for occupants. They commented however on the inference in the guidance that it is designed and formulated mainly for "life safety". They suggested having a look on the "class 0" or the "national class" for walls, surface linings, and circulation areas. He said this is still a conundrum in passive fire protection even post Grenfell tower fire in West London. He cited a fire expert Ian Abbey, who argues that "a Class 0 material allows highly combustible products to be used in buildings."

DEPARTMENT RESPONSE

8.10. All building regulations set requirements for life safety purposes only. They set minimum standards for building design and construction. We are aware of the confusion around Class 0 and some in the industry mis-interpreting this as being equal to higher European classifications. Removal of Class 0 from TBE is likely to form part of a future package which will consider removing all national classifications to BS 476 for 'reaction to fire' from the booklet in the future.

RESPONDENT

8.11. An individual said the inclusion of student accommodation within the scope of 37B is s step forward. Their concern with the conversion and use of other buildings, boats, barges and hotels as residential housing remained. Bringing these within the scope of 37B would help to ensure a reasonable degree of safety.

DEPARTMENT RESPONSE

8.12. Regulation 37B is the first step in relation to prescriptive requirements for Automatic Fire Suppression Systems in buildings, containing flats and purpose-built student accommodation, both with a storey more than 11m above ground level, and all residential care premises. It is intended to consider other building types being added to the list in the future of which hotels and residential building types formed from a material change of use will just be two.

RESPONDENT

8.13. An organisation said ionization detectors are no longer manufactured and are unable to be purchased. They suggested Note 2 in the guidance to this should be removed to avoid confusion. Note 2 in TBE paragraph 2.23 highlights BS 5446-1 and BS EN 14604 for smoke alarms based on ionization chamber smoke detectors and optical smoke detectors. They said these different types of detectors respond differently to smouldering and fast-flaming fires. Either type of detector is generally suitable. However, the choice of detector type should, if possible, consider the type of fire that might be expected and the need to avoid false alarms. Optical detectors tend to be less affected by low levels of 'invisible' particles, such as fumes from kitchens, that often cause false alarms. Accordingly, they are generally more suitable than ionization chamber detectors for installation in circulation spaces adjacent to kitchens.

With regard to fire safety information, they recognised that the proposed guidance follows that in ADB, and they suggested the following should not be included in the information specified:

- fire extinguishers, as this is part of fit out;
- fire safety signage, as again, this is part of fit out; and
- "software" in relation to fire detection systems as this is a much too broad term and will often relate to proprietary information that will not be provided.

With regard to "wayfinding signage", they said this has been copied from the English guidance in ADB. However, it is the wrong term and is already causing confusion in England. Wayfinding involves luminescent strips etc along escape routes. They have examples of circumstances in which clients have been told that this is what is required. They recommended the use of the heading used in the Scottish Technical Handbooks namely "storey identification signs and dwelling indicator signs".

They also noted that certain text included in the Scottish guidance had been omitted from the English guidance and they recommended that it be included in the NI guidance. They then quoted the text as follows:

> "All text should comprise white letters on a green background. The sign should conform to the requirements of BS ISO 17938 for classification C phosphorescent signs."
> "Storey identification signs should be mounted such that they are clearly visible from the top step of a fire-fighting stairway, and from inside a fire-fighting lift when the lift car doors open"
> "The letter height of all text, and the height of the dwelling numbers, should be between one half and two thirds of the height of the words and numerals of the associated storey identification signs respectively."

They said the maximum letter height (two thirds) is particularly important to ensure that the flat numbers do not "swamp" the floor numbers. They understood the omission of the two thirds in England was a simple error.

On a minor editorial point they highlighted in the draft regulation 37B there is refence to "a residential care premises". However, the word "premises" is a plural noun, with no singular, so you cannot talk about "a premises". The word "a" should be deleted. For consistency with ADB, the "large dwelling house", which needs a Grade A system should not include single storey premises.

In relation to paragraph 2.24A they questioned the wisdom of this relaxation. A fire in the additional room on the ground floor may pose a serious threat to others in what could be a multi storey house. In particular, whether or not the room has an exit is irrelevant, as that has no bearing on the threat it creates to occupants elsewhere in the house.

With regard to the existing paragraph 2.33 they said while we realise that this paragraph is not part of the consultation (so changing it may be difficult), sheltered housing no longer has 24-hour wardens. The paragraph should say that, at any time that a warden is not present, the fire detection should be interfaced with a telecare system, so that, on the detection of fire, speech communication is automatically established with an alarm receiving centre.

DEPARTMENT RESPONSE

8.14. Note 2 to paragraph 2.23 gives guidance on both ionisation type smoke detectors and optical smoke detectors. Ionisation detectors are widely still in use, so the guidance will remain in place for now with an amendment from BS 5446-1 to BS EN 14604 which is the standard for all smoke alarm devices.

Regarding the information in Section 7 to Regulation 37A, the information is just an example of the type of information that may be provided. The list is neither exhaustive nor required for all building situations. Each scenario should be assessed on a case by case basis to see what information is relevant to be provided.

The guidance in Section 6 of TBE on wayfinding signage will refer to floor identification signs and flat indicator signs. A lot of the Scottish guidance from their technical handbook on wayfinding signage will be used in TBE.

We will consider removing “a” in relation to premises as a plural noun with no singular.

Paragraph 2.24 for large dwellinghouses requiring a Grade A fire alarm system does not mention single storey premises, rather the reference to number of storeys is being removed as part of this amendment.

The amendment for fire alarm provision after an extension will not involve a relaxation where if a final exit is available from the newly formed habitable room or kitchen, then the design does not have to comply with adequate fire alarm provision elsewhere. The Department accepts the argument that warning for occupants of the new habitable room, particularly if it is a bedroom and occupants are asleep, requires warning of fire in the rest of the dwelling.

Paragraph 2.33 will be reconsidered as part of a future amendment to TBE. The comment regarding fire wardens no longer being present 24 hours in sheltered housing schemes will need to be amended to reflect the practice today. Linking the fire alarm system to an ARC seems a logical solution in out of hours coverage by wardens.

RESPONDENT

8.15. The NI Fire and Rescue Service said this suite of amendments will improve the safety of the public and firefighters.

For clarity they wished to see the entire technical booklet amended to incorporate these changes rather that publishing the changes in a separate amendment document. This would prevent confusion and ensure better understanding.

DEPARTMENT RESPONSE

8.16. The intention is to not only publish an amendments booklet with these changes but also make available on the Departmental website a version of the Technical Booklet with the amendments not only associated with these changes but also the changes from 2022 incorporated. A tracked changes version will assist users.

RESPONDENT

8.17. A number of District Councils said they would welcome the scope of all changes to be clearly noted in an introduction page going forward, for ease of reference and clarity as set out in all updates of ADB and other UK guidance. They wished to see electronic versions of all Technical Guidance documents to have a hyperlink to the definitions where the word appears, as this would be most helpful and expedient; examples of these links can be found in electronic copies of Approved Documents. They also recommended the Department carry out a full review and updates to Technical Booklet E within a set time frame.

DEPARTMENT RESPONSE

8.18. The formatting issues of the Technical Booklet is a matter for the Department more generally to address as opposed to something for this consultation to address, with a view to maintaining consistency across all the technical booklets. A NIBRAC sub-committee is normally established to consider Technical Booklet format issues. It is anticipated to bring forward further phases of reviews to Technical Booklet E in the coming period.

RESPONDENT

8.19. An organisation said any and all improvements and increases to fire safety should be approved.

An organisation said that the ‘stay put’ strategy required further consideration. They said their concern was primarily the decision not to alert residents in blocks of flats. They stated in a few Councils, Building Control departments are refusing alarm designs with sounders and dictating what category of system is needed to be approved. They said these departments are effectively becoming ‘the designer’. There is inconsistency with BS5588, BS5839 and the Building Regulations. No consideration is being allowed for insurance standards. There is conflict with the duty to provide warning in accordance with Regulation 33 and the absence of alarms in escape routes. They highlighted definitions for a “Place of safety” means a place, outside the building, in which people are in no danger from fire within the building. They said the Regulations do not define a flat as a place of safety. The ultimate place of safety is the open air clear of the effects of the fire. This conflicts with failure to provide warning of fire and should be addressed in this review. They then quoted Regulation 33:

> Means of escape
> 33. A building shall be so designed and constructed that in the event of a fire there is—

(a) where appropriate, adequate means of automatic detection;
(b) adequate means of giving warning; and

They said this matter was particularly confusing and this opportunity should be taken to clarify. Most Councils accept design proposals based on qualified fire alarm consultants including provision of warning. The Building Regulations as they stand do not differentiate between residential premises and other categories of building. Current Codes of practice are inconsistent with the Regulations. Provision of common alarms should not be refused when designed by competent qualified engineers. It is the view of the Department that the requirements of regulation 33 in Part E will be met if there is sufficient means for giving early warning of fire for persons in a building.

They stated the 'stay put' strategy is not universally accepted. Several District Councils, numerous Fire Risk Assessors and most qualified alarm consultants are concerned and strongly disagree with the arrangements for a number of reasons. They thought this update of the Regulations should clarify.

They then suggested the background to ROI standards to provide common alarms in blocks of flats should be considered. They cited research papers recently prepared by Leeds University and the Dutch Research Establishment which raised serious concerns on staying in a burning building.

On a separate issue on the requirements for structural compartmentation, they said they had very serious concerns in regard to the standards being signed-off with much supportive evidence. They said absence of a warning and inadequate compartmentation are a bad combination. Structural compartmentation is consistently not being properly completed. It is therefore essential that an appropriate standard is identified to include 'sign-off' by UKAS 3rd party accredited installers for fire stopping and protection of structural steel and fitting of intumescent collars for every new building. This work is very generally undertaken by tradespersons or by general labour with no understanding, training, experience or qualification.

They then commented there should be a detailed consideration of the necessary design standards for gas installations and associated fire matters by a competent person in the submission for Building Control approval. They said they have knowledge of recently approved apartment blocks with unventilated shafts containing gas pipes and the potential for the gas to build up and cause and explosion.

In relation to smoke control of common escape routes, they highlighted sentence 'It is probable that some smoke will get into the common corridor or lobby from a fire in a flat'.

Referring to recently published Dutch Research establishment report and a report from Leeds University which they said strongly supports the requirement for independent certification of this standard and challenges the 'stay put' strategy. which should not be ignored. They said the fire risk assessment for the building should confirm that a stay put strategy is the suitable emergency procedures for that building.

In relation to Fire doors they commented fire door-sets are generally installed at entrances of flats and are obtained as certified sets. However, a large number of doors are made up on site and do not have certification. They thought this issue required clarification and should form part of the review.

In relation to the definition of Residential care, they said this has become increasingly blurred. They suggested that this requires further clarification as care is increasingly provided in the community for persons with mental illness, learning difficulties and other dependencies. Many current designs do not consider this potential occupancy which is identified post construction. Many schemes provide care and support including provision of medication. Several are designed as general needs. They said this requires further consideration and discussion.

Finally, in relation to competency of the individual, they said inclusion of a licence to practice for individuals undertaking a risk assessment, surveying, designing, investigating, commissioning, and maintaining fire safety systems should be embedded into the new Building Control Regulations and Fire Safety Legislations for Northern Ireland.

DEPARTMENT RESPONSE

8.20. The 'stay put' strategy employed in flats by various standards (BS 5588-1 or BS 9991) and TBE does not mean stay put in all circumstances. The strategy is to stay in the safety of your own one-hour fire compartment flat if the fire is not affecting you. Obviously if you are affected by the fire, then you evacuate to a place of safety outside the building. There is no conflict between the 'stay put' strategy and definition of 'place of safety'.

Communal fire alarm systems to effectively operate a full evacuation strategy could cause more harm than good. A major issue is the conflict with attending firefighters ascending the single stair when residents are descending the same stair. For more vulnerable residents or those who need assistance, removing them from the safety of their own compartment flat to a place of less safety has potential for undesired outcomes. Persistent full evacuations of residents due to false alarms could lead to undesired occupant behaviour in the long term. If a communal fire alarm system is proposed, the Department suggests a net benefit for such would need to be established and consider the individual circumstances for each building.

The Grenfell Inquiry Phase 2 report was published on 04 September 2024 and it contains a recommendation[1] relating to the stay-put policy in residential buildings. The Department will consider this recommendation for any potential future amendments to building regulations.

The provision of common alarms in similar buildings in ROI is based on the policy of full evacuation and not stay-put.

On the issue of competence in the construction industry, the newly formed Residential Building Safety team in the DfC will carry out work to determine if competency frameworks or specific mandatory requirements are needed in NI. They will engage with relevant stakeholders to inform the right solution for NI.

Specialised housing including sheltered housing, extra-care housing and supported living do require special fire protection considerations. The provisions in other guides such as the NFCC 'Fire safety in specialised housing' should be followed. The

[1] Grenfell Phase 2 Report Volume 7 Part 14 Chapter 113 (113.13) Page 234

category of specialised housing will be considered for addition as part of a future review of Regulation 37B.

RESPONDENT

8.21. An organisation said Building Control applications and approval usually follow the planning application process and therefore it would be prudent for all designers to be aware of the Part E requirements at planning stage and to include (or at least design to allow for) any required details as part of the planning application. This would negate the need for revisions/amendments to approved planning drawings to comply with Part E requirements at the post planning decision stage, saving time and money. Ensuring designers/architects are aware of Part E requirements at planning stage could negate the need for subsequent applications to amend previously approved schemes. They said there may be the potential for the Department for Infrastructure to issue some guidance/advice to this effect and potentially to clarify that the majority of post-planning changes required to comply with Part E requirements should likely be considered as Non-Material Changes.

They continued saying there where synergies evident in central or local government, such as, those between planning policy, building regulations, environmental health and building control functions in local councils, and consideration should be given to the co-location of these functions in a single government department to improve communication and efficiencies. Adequate resources (financial, people, etc.) should be allocated to ensure with the appropriate knowledge, skills, expertise, and support services should be provided to implement the fire safety improvements identified in this consultation.

DEPARTMENT RESPONSE

8.22. The joined-up approach suggested in this response is something to consider for those responsible for reviewing the regulatory system here. A new Residential Building Safety Division has been established in DfC to review the regulatory system and will look at the full lifecycle of a building from initial concept/design through planning and building control phases to occupation and ultimately disposal. Issues such as a golden thread of information to be aware of fire safety matters throughout the process would seem logical. Co-locating of the various actors involved in the building regulatory process into one Department may or may not bring better communication and improved efficiencies. Those decisions will not rest with Building Regulations in this Department.

RESPONDENT

8.23. An organisation said ultimately, while a more robust fire safety regime is a welcome and necessary response to recent tragic failings in building safety and quality, the solution going forward must be robust. In terms of the potential skills shortages that could be created as a result of the proposed changes, their concerns included:

- Accreditation – In order for both clients and the regulator to have assurance of the safety of buildings, they will need to be confident that those responsible for building safety have the necessary qualifications and competencies, and thought must be given to whether the current educational infrastructure is adequate. They said a key challenge will be the availability of experts to deliver building safety management training, and the cost of implementing and delivering an accreditation scheme taught by highly qualified professionals.

- Supply of Building Safety Managers – Without adequate numbers of qualified individuals, or a lack of supply in the right place at the right time, the availability of Building Safety Managers will be unevenly distributed and lead to further problems. There is also a risk that other built environment professionals will move into these new roles, creating a shortage in existing roles and moving the chronic skills crisis from one area to another.
- Qualifications – Historically, there have been shortcomings in the wider building education landscape around quality, and there are difficulties especially in helping people to differentiate between qualifications and competency. They said it will be necessary to continue to push the industry to understand that it is more difficult, time consuming and expensive to achieve competency, and that qualifications alone will not be enough to improve building safety.

They highlighted a number of qualifications, that will develop the knowledge and skills needed to manage the safety of relevant buildings in occupation, designed for construction professionals moving into dutyholder roles and those working on higher-risk buildings.

On the issue of Skills Shortages, they said historically, construction has struggled to recruit the numbers of skilled workers to keep up with demand and the use of foreign labour and sub-contracting has enabled gaps to be filled. But these quick fixes, particularly with the new immigration system, do not make for a sustainable business model. They highlighted recent data from the Office of National Statistics (ONS) which showed that at the end of 2021 the number of self-employed workers in the construction industry fell by 108,000 from the same time period in 2020. Much of this decline can be attributed to the difficulty in finding work during the Covid-19 pandemic as well as by the number of EU migrants returning home post-Brexit. They called on the Government to implement an educational system that can help inspire and attract talent to the sector.

To do this, they said action must be taken to provide education and training opportunities for young people. The industry has introduced several initiatives to engage and inspire young people to enter a career within construction. They said they have endorsed the Construction Industry Training Board's (CITB) GoConstruct portal, which informs children and parents about the array of careers and opportunities in construction and the wider built environment, from trade-based opportunities through to professional careers in construction management, architecture and surveying.

They cited the Craft Your Future initiative, which is a construction game aimed at 12-14-year olds that takes place in Minecraft. It presents students with a variety of problems focusing on the challenges faced by city-based communities. It is designed to help young learners explore the methods and skills required to become a construction manager, including those central to the new technologies that will define the future construction industry.

They continued saying the construction industry offers something for everyone, regardless of the qualifications held. There are some entry-level roles that do not require any qualifications at all and for others, there is a need to complete a relevant college course, degree, or apprenticeship – many of which are supported by companies.
Despite this they said, there has long been a social stigma attached to the construction sector and for those who did not achieve the grades required to get into

university. Anecdotally, a senior member of the organisation noted when giving a site visit to school children that a teacher said, “this is where you will end up if you don’t do well on your exams”. They said this sentiment is unfortunately shared amongst young people, friendship groups, parents, and teachers.

They concluded saying with skills demands growing in the sector – from trades right through to professional careers, the Government should also consider developing built environment related studies at GCSE level. Design Engineer Construct! (DEC!) is one such learning programme aimed at secondary-school students that has been developed to create and inspire the next generation of built environment professionals. They said they would be happy to provide further details on these initiatives should the issue come up during any debate on the skills shortages currently facing the construction industry.

DEPARTMENT RESPONSE

8.24. The issue of qualifications and competencies in the building sector has always been one of debate. It would be a mistake to think these amendments to building regulations are trying to address the issue of competence.

On the back of developments in England post Grenfell and Hackitt review, an Expert panel was established here. Thereafter, the Department for Communities (DfC) established a Residential Building Safety Team to implement the recommendations of the, ‘Improving Safety in High Rise Residential Buildings in Northern Ireland’ expert panel report. Their intention is to develop, implement and maintain a system based on sound policy and legislation that manages the whole life of residential buildings and promotes a culture of safety.

Scoping exercises, research and stakeholder engagement will be carried out by the DfC Residential Building Safety team, which will include evaluating current and proposed policy and legislation across jurisdictions. This will help inform the best possible solution for NI. Work on formulating policy to support new legislation and changes to existing legislation can then get underway. Whilst it is not yet certain, they anticipate a new Building Safety Act is likely to be required for Northern Ireland.

DfC's Residential Building Safety team will carry out work to determine if competency frameworks or specific mandatory requirements are needed in NI. They will engage with relevant stakeholders to inform the right solution for NI.

RESPONDENT

8.25. A respondent noted that further points within TBE are to be reviewed under a Phase 3, however, they included some main issues which they felt could be picked up at this stage if possible. They did not agree with the circulation of another addendum to TBE, as the previous one is often missed. They recommended that the information is all in one place as this makes it as easy as possible to source. Their additional commentary on TBE included:

- On BS 5588 they said these standards are officially withdrawn by BSI. They asked for these references to be omitted which cause confusion on current projects. They said the proposed amendments showed the removal of reference to BS 5588 in some areas, but they retained reference in other areas.

- On self-closing doors within dwellings they said these are still recommended in NI, but not in England & Wales. They said it would be of benefit to clarify what is the actual standpoint on this item.
- On hydrants, they said there is no reference to provision of Hydrants within the document. They said a section should be provided to allow for clarity for projects.
- On the standard for Emergency Voice Communications systems, they said BS 5939-9 is referenced as opposed to BS 5839-9.
- On PV panels they asked should reference not be made to these, given the known fire risks involved. They said text should include reference to current guidance to ensure PV panels have been designed, installed and commissioned in accordance with relevant legislation / guidance i.e. RC 62.
- They said reference to the 1991 document on hotels should be omitted. They said this is not referenced elsewhere in Britain and appears to be out of circulation.
- On open spatial planning section, they said it contains typing errors and recommends 5m separation; other guidance documentation recommends 4.5m. They asked why this was different and it would be of benefit if all documents were aligned.
- They said the reference in Diagram 2.9 to 'Fire resisting door' should be changed to 'Self-closing fire resisting door sets'. The line depicting fire-resisting construction should be highlighted in a more contrasting colour. They said the word 'Construction' was also incomplete.
- On Diagram 24 they asked for clarity as to why 45degree limitation is more onerous than BS 9999 and Approved Document B.
- They thought paragraphs 5.2, 5.2A, and 5.2B had daft sub-titling if they're all part of 5.2 and so they should be re-formatted.
- On Diagram 5.1 they said it has been removed, and Table 5.1 has been updated. They said the diagram was considered of benefit and should ideally remain.
- On the inner rooms section, they said there is confusion in relation to the definition of travel distances. They said this should be brought in line with other guidance for clarity.
- On reference to BB 100 section they said it should be clarified exactly what sections need to be referred to and what sections are to be covered by TBE. This is commonly misunderstood between Design Teams and Statutory Approvers.
- They queried Table 4.1 and periods of fire resistance for loadbearing requirements for certain walls which may not be loadbearing. They asked if the structure in these areas achieved fire resistance in terms of loadbearing, does the wall also need to achieve this?
  They said paragraph 4.29 can be interpreted differently and rewording is suggested to avoid confusion.
- On Diagram 4.5 they said this included a requirement for cavity barriers around openings when other guidance looks for weather sealing. They said to confirm the requirement.
- On paragraph 4.38 they said this differed from other guidance and clarity was requested.
- On paragraph 4.47 they said was unclear and leaves route open for untested systems to be used.

- On Table 5.1A, they requested Diagrams be reinstated.

DEPARTMENT RESPONSE

8.26. Along with publishing of an amendments booklet for the changes to this package, a version of TBE 2012 with the tracked changes from this amendment and those associated with the amendment in 2022 will be available on the Department's website. A future consolidated TBE with all amendments built in will form part of a future phase.

On the specific items this respondent identified as requiring attention in TBE, the Department agrees with most if not all the comments. This amendment is addressing some of those items, for instance the BS 5588 series will be completely removed from the book and replaced by the relevant parts of BS 9999. In relation to other items, self-closers on internal fire doors in dwellings is unambiguously still required in TBE; Fire hydrant provision is dealt with at planning stage; reference to BS 5939-9 is simply a typing error for emergency voice communication systems; PV panels are indirectly dealt with by reference to BS 5839-6: 2019; The 1991 publication '*Guide to fire precautions in premises used as hotels or boarding houses which require a fire certificate*' and chapters 13 and 14 remain for means of escape provisions on the basis in the absence of anything more specific, and consultation analysis suggesting this is still used. The 5.2 paragraph markings are simply to highlight the track changes from the 2022 amendment. Diagram 5.1 was removed at the 2022 amendment because of its inappropriate references to Class 0. The remaining items identified by this respondent highlight where TBE has not caught up with ADB changes from as far back as 2006. These will be considered as part of a future amendment to TBE.

RESPONDENT

8.27. An organisation commented some paragraph referencing could cause confusion and to reconsider the layout referencing e.g.(aa), (bb) etc. for 2.34(G) (b) (iv) (aa).

DEPARTMENT RESPONSE

8.28. The paragraph referencing for 2.34 has been adjusted in the final version of TBE with the amendments inserted. See response to item 9 of Question G1 on Technical Booklet formatting issues.

RESPONDENT

8.29. An organisation welcomed the consultation on fire safety changes to the local building regulations and said they had written their response following consultation with their members in Northern Ireland. They said it is a fundamental objective to ensure that all residents are safe and feel safe in their homes. The tragic Grenfell Tower fire highlighted significant safety issues in the structure and management of high-rise buildings.

They commented this consultation contains amendments to uplift fire safety protection measures in a range of buildings. They are mainly focused on residential buildings and in particular domestic multi-residential buildings, to provide assurance and additional safety measures to residents. In referring to a comment in the consultation which said 'the intended effect of the proposals is to reduce the consequences of fire through saving lives and preventing injuries', they said it was

important to express their view on a missed opportunity that this consultation does not consider. That issue was the associated risk factors and therefore mitigating measures that need to be considered for those residents who are disabled or mobility impaired and if they fall outside the scope of sprinkler systems, wayfinding signage, evacuation alert sounder systems, smoke ventilation systems and secure information boxes.

They continued that the proposals also needed to be practical and attainable for the sector to deliver. They must be mindful of the ripple affect they could have on other targets the sector is working to achieve. They said due consideration must be given to how these changes will be funded. Language needs to be carefully scripted as the proposals cannot be open to interpretation. They concluded that ultimately, housing organisations are striving towards making every home safe and they welcomed the consultation proposals with reference to fire safety changes to the local building regulations.

DEPARTMENT RESPONSE

8.30. Subsequent to these amendments of sprinkler provision, wayfinding signage, evacuation alert sounder systems, improved smoke ventilation requirements, secure information boxes, improved firefighting and access facilities, higher levels of fire alarm provision in new dwellings and also when combined with requirements from the 2022 amendment regarding use of non-combustible materials on outside walls and balconies, the Department proposes to consult on provision of a second escape stair in new multi-dwelling buildings over a certain height in a future phase. All of these measures should lead to residents not only feeling safer in their homes but actually being safer from the effects of any fire in their building.
Since the Grenfell Tower fire, there has been much debate around disabled egress arrangements from multi-dwelling residential buildings, particularly high-rise blocks of flats. The Grenfell Phase 2 report was published on 04 September 2024 and it contains recommendations in relation to vulnerable people2 relating to disabled evacuation arrangements from buildings. The Department will consider these recommendations (particularly in relation to disabled egress arrangements) for any potential future amendments to building regulations.

RESPONDENT

8.31. An organisation in welcoming the opportunity to respond to The Building (Amendment) Regulations (Northern Ireland) 2023, said they have a unique insight into the risks facing the UK's built environment, and how these could be mitigated. They commented on the proposed regulations on automatic fire suppression systems.

- They firstly welcomed the ambition behind the proposed new regulation 37B, which will require the provision of suitable automatic fire suppression systems within certain types of higher risk residential buildings. They said sprinkler systems installed to achieve a property protection standard have been proven to be extremely effective in containing a fire, either to the room of ignition or to the immediate surrounding areas. Containing the impact of a fire is particularly important because, as shown in the aftermath of the Grenfell fire, many buildings

[2] Grenfell Phase 2 Report Vol 7 Part 14 Chapter 113 (113.82 & 113.83) page 248

across the UK have significant fire safety defects. It is therefore crucial that fire is effectively contained, to ensure both the safety of occupants and to limit the damage to property.

- However, while they welcomed the intention of this new regulation, they urged the Department for Finance to consider other types of buildings where these new safeguards may be appropriate. For example, they said they were not aware of the rationale for the 11m threshold for declaring a residential building 'high risk', as a purely height-based threshold, this does not consider the vulnerability of the occupants.
- Similarly, they were concerned with the height threshold for purpose-build student accommodation. Considering the potential sleeping risks inherent in these buildings, they questioned whether the height requirement should be lowered or even abolished altogether.
- - Similarly, while they supported the mandating of sprinklers in care homes, nursing homes and family residential centres, they said there are other buildings with similar risk profiles that should be considered for inclusion. For example, schools have a similar risk profile to the above settings, both in terms of the vulnerability of the occupants and the large community impact of a fire.
- They suggested consideration should also be given as to whether sprinkler systems should be mandated in hotels which clearly represent a sleeping risk, with the added factor that the occupants will be unfamiliar with their surroundings. There is also likely not to be a comprehensive understanding of the vulnerability of individual occupants.
- In addition to the type of buildings which fall within the scope of these regulations, they said they were disappointed that the consultation proposes to mandate sprinklers to the BS 9251:2021 standard. They said this is not a standard that the insurance industry recognises, as it does not support property protection. Instead, they urged that the standard BS EN 12845:2015+A1:2019 (including the LPC rules and related technical bulletins) is adopted.
- While life safety should always be the primary concern, property protection must also be an important consideration in building regulations they said. The impact of fire goes beyond loss of life, but this is rarely recognised in policy discussions. Instead, the mental impact of a fire, the loss of possessions and /or and pets, as well as the upheaval of having to leave the property (possibly for a significant amount of time) must also be considered.
- They concluded in addition, the prevalence of fire safety defects and the increased use of materials and methods of construction with increased combustibility, mean that it is sensible to mandate sprinkler protection to a level that will effectively contain the impact of a fire.

DEPARTMENT RESPONSE

8.32. Regulation 37B is seen as the first step in introducing a mandatory requirement for Automatic Fire Suppression System provision in buildings here. Initially buildings containing flats or student accommodation, both with a storey more than 11m above ground level, and all residential care premises will be required to comply. It is anticipated to add to the list of building types in the future, to include consideration of lowering the 11m threshold, and adding hotels and schools for example.

BS 9251: 2021 is the recognised standard for Fire Sprinkler systems for domestic and residential occupancies. BS EN 12845: 2015 is the standard for design, installation

and maintenance of automatic sprinkler systems. Both these standards are referenced in the technical booklet guidance to Regulation 37B for the appropriate type of building. Building Regulations are restricted under primary legislation to make requirements for life safety purposes only. Property protection measures which in all likelihood would require higher standards to be achieved, is not a consideration.

RESPONDENT

8.33. An organisation said the consultation layout felt very disjointed and confusing. The consultation proposed that changes to the technical booklet will be published as an addendum. They stated this is not an acceptable solution. Part of the criticism in the Grenfell Inquiry was that guidance documents are confusing. They said the publication of two separate documents that have to be carefully cross referenced is going to make it more difficult to interpret the guidance. They said as technical booklets are now published digitally, we believe that the addendum document should be published alongside a completely updated Technical booklet that incorporates the changes fully within the text and where appropriate incorporates the relevant consultation questions to help when responding.

They continued saying whilst they understood that a bigger review of the fire and building safety context in NI is required and is hopefully underway, they believed that the proposed changes reflect a system that is not coherent. The result is a partially resolved stop-gap that is trying to bridge the gap between legislation, guidance and a fragmented system that does not have any ongoing control processes in place for the management of residential premises, nor clear definition of duty holders.

DEPARTMENT RESPONSE

8.34. An amendments booklet will be created with the changes to TBE. This book should be read with the 2012 TBE and the amendments booklet AMD7 of 2022. A further Phase 3 of changes to TBE is planned at which time all the changes since 2012 will be consolidated into a revised TBE. To address concerns from some professionals who feel unable to read amendments with existing guidance, the Department will place a version of TBE on its website showing all the changes (2022 and 2024) to TBE since 2012 built in.

The process of addressing fire safety changes to the Building Regulations in phases was agreed with the Permanent Secretary for the Department in 2019 following the Grenfell fire of 2017. The bigger picture review of the building regulatory system is a matter considered by the Expert Panel. Their report recommended the establishment of an Interim Building Safety Team, which has been implemented through the formation of the Residential Building Safety Team recently set up within the Department for Communities (DfC).

RESPONDENT

8.35. An organisation said 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.

They welcomed the opportunity to respond to the Department of Finance's consultation on fire safety changes to the local Building Regulations. They said they were 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 them to share lessons learnt and issues raised across the UK.

They said they are first and foremost interested in maximising protections for residents within high-risk buildings. In order to fulfil their responsibilities, agents need to ensure that tenants, as well as those buying or selling individual flats within apartment blocks, understand fire safety information within the property. It is therefore 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 in requirements. They said this would 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, they added they were keen to see protections reach as many people as possible, which they 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.

They had a final comment to make on enforcement. Due to the increase in regulations that developers and building owners will need to follow, especially initially as the regulations become understood, they said they would like to see an increase in funding towards enforcement. Otherwise, the regulations risk being contravened unless enforced effectively.

DEPARTMENT RESPONSE

8.36. This phase 2 package of changes relating to residential properties, in particular multi-dwelling buildings, will enhance protections for residents within high-risk buildings. New Regulation 37A is not aimed at providing fire safety information to residents/tenants but rather is aimed at ensuring the person with fire safety duties in a building has the relevant fire safety information to operate the building. The issue of resident engagement is a matter to be considered by the newly formed Residential Building Safety Division in the Department for Communities (DfC).

RESPONDENT

8.37. An organisation welcomed the proposed uplift in standards arising from learning following the Grenfell Tower fire, and supported fully where the measures proposed will provide an enhanced level of safety for their tenants in their homes.
In welcoming the opportunity to comment on the consultation, they asked that

legislation on competency is provided as the industry appears to be unregulated regarding fire consultants and those providing passive fire protection. They said

Fire consultants on occasion do not follow Building Regulations (e.g., Get Out Vs Stay Put) and rely on Council employees (Building Control Departments) to endorse their recommendations. This leads to different standards being delivered across the province.

Where there is a 'Defend in place' (Stay Put) Fire Strategy being specified by Fire Engineers and Building Control Departments, referencing BS 5588 and BS 9991, all flat occupants are instructed to stay within their flat and only evacuate if the fire is directly affecting them. This they say is deeming the flat as a 'Place of Safety'.
They then cited current Regulation 32 where "Place of Safety" means a place, OUTSIDE of the building, in which people are in no danger from fire within the building. They said the regulation needs to clearly determine in what it defines as a 'place of safety' as it currently is in conflict with the 'Defend in place' instruction being pushed by fire engineer's and building control.

Where there is a 'Defend in place' Fire Strategy being specified by Fire Engineers and Building Control Departments, referencing BS 5588 and BS9991, a sounding Fire Alarm system covering the communal escape routes are no longer being specified or accepted by NI Building Control. This conflicts with Regulation 33 as it specifies a building requires adequate means of giving warning. NI Building Control are not accepting or supporting Regulation 33 by refusing adequate means of giving warning to be installed within the building.

They said this will need to be reviewed and clarified to either accept a sounding fire alarm in the communal areas based on Fire Risk Assessment and Regulation 33 or review the regulation and adjust to come into line with BS 9991 to support the 'Defend in place' strategy.

It should also be considered that Fire & Rescue Services when attending a premises will arrive with sirens and flashing lights. This will act as a delayed fire alarm bringing tenants into the common areas and causing interference and obstructions to the attending fire personnel.
This, they say, would cause a delayed reaction from the residents where a fitted communal fire alarm system would have given the early warning allowing those who wish to evacuate, leave the building at an earlier stage and before the NIFRS arrive. This would comply with Regulation 33.
They then cited Regulation 33. A building shall be so designed and constructed that in the event of a fire there is—

(a)where appropriate, adequate means of automatic detection;
(b)adequate means of giving warning; and
(c)adequate means of escape, which can be safely and effectively used at all material time.

Regrading Building Control Inspectors they said they should have a level of competency in fire safety to make decisions that take associations away from following Building Regulations. Better communication between Building Control and the Fire Service is needed and should be endorsed / encapsulated in the new regulations.

They stated that “we welcome the proposed uplift in standards arising from learning following the Grenfell Tower fire, and support fully where the measures proposed will provide an enhanced level of safety for our customers in their homes”.

To conclude, competency in all aspects of those who design, inspect, install, and approve buildings re fire safety is critical to ensure ‘fire safe’ buildings for all.

DEPARTMENT RESPONSE

8.38. Competency in the building regulatory system is an item for consideration by the Residential Building Safety Team in DfC. They will carry out work to determine if competency frameworks or specific mandatory requirements are needed in NI.

Although each Council area here enforces in its own area, a Building Control NI group meets every month for the 11 Councils to discuss relevant matters, one of which is ensuring consistency of interpretation for enforcement. There is also regular contact between Councils and the NI Fire and Rescue Service with memoranda of understanding in place. Councils and the NI Fire and Rescue Service also meet through the NI Fire safety liaison panel.

The ‘stay put’ strategy employed in flats by various standards (BS 5588-1 or BS 9991) and TBE does not mean stay put in all circumstances. The strategy is to stay in the safety of your own 1-hour fire compartment flat if the fire is not affecting you. Obviously if you are affected by the fire, then you evacuate to a place of safety outside the building. There is no conflict between the ‘stay put’ strategy and definition of ‘place of safety’.

Provision of communal fire alarm systems to effectively operate a full evacuation strategy, could cause more harm than good. As highlighted in the response, conflict with attending firefighters ascending the single stair when residents are descending the same stair is just one issue. For more vulnerable residents or those who need assistance, removing them from the safety of their own compartment flat to a place of less safety has potential for undesired outcomes. Persistent full evacuations of residents due to false alarms could lead to undesired occupant behaviour in the long term. If a communal fire alarm system is proposed, the net benefit for such would need to be established and the individual circumstances of each building would need considered.

RESPONDENT

8.39. An organisation welcomed the opportunity to respond to this consultation, which they said raises several important issues. They said their organisation has long been calling for great use of sprinklers, particularly to protect the most vulnerable members of our society.

While it falls outside the scope of this consultation, they urged the Executive to consider retrofitting sprinklers in existing buildings. Recognising the complexities of retrofitting, they said their sector was ready to work in partnership with colleagues to help them install the right property protection measures, and in many cases is already doing so.

They concluded ensuring the introduction of sprinklers is effectively managed should help to avoid new challenges for insurers, given the potential for low-cost systems, tampering and escape of water risks. Sprinklers can significantly reduce the level of

damage caused to a property during a fire, and when properly installed and maintained, water damage from sprinklers is considerably less than the damage that can be caused by Fire and Rescue high-powered hoses.

DEPARTMENT RESPONSE

8.40. Building Regulation requirements are always triggered when building work (erection, alteration and/or extension, provision of a service or fitting) to a building takes place. They also apply after certain material changes of use cases. The requirements apply through the date of application when submitted to building control (the enforcement body). They cannot be applied to existing buildings unless 'work' is proposed to be done to that building.

Retrofitting sprinklers to existing buildings is as suggested by the response a more complex operation. In many cases a bespoke solution is needed depending on the individual circumstances of each building.

The other issue to bear in mind is that building regulations set minimum standards for life safety purposes only. Property protection is not a matter that is addressed through building regulations.

RESPONDENT

8.41. An organisation said they were pleased to respond to this consultation. They said their response reflects their expertise and competence on the subject matter.

They supported the general direction of the consultation and were glad to see improvements to the local Building Regulations. They particularly welcomed the proposal to require the fitting of smoke alarms in all habitable rooms in new build properties. This proposal would be a significant safety enhancement over what is required elsewhere in the UK, and they strongly supported it. They said it is clear that the consultation represents a significant improvement to building safety in Northern Ireland, though there were several recommendations contained in their answers where they think the regulations need to be clearer or widened in scope in order to meet today's safety standards.

One example is the scope of the proposed Regulation 37A. The regulation applies to buildings when built or after a material change of use. They saw no reason that this should not apply to any works covered by Building Regulations, including extensions or refurbishments. Furthermore, they strongly disagreed with the proposed scope of Regulation 37A and did not believe that buildings under 11m containing flats should be exempt from it. They said the provision of a building's fire safety information is absolutely necessary to enable effective management and most of the information required by the regulation should already have been generated throughout the design and construction of the building. The information will in most cases be readily available at minimal extra cost and will in many cases represent a cost saving as it will not need to be sought out at a later date. They commented height does not equal risk in these cases, and they recommended that the scope of Regulation 37A be reconsidered.

They were also concerned regarding the scope of the proposed Regulation 37B. They said the application of Regulation 37B should also be extended to cover any significant works that are covered by Building Regulations (e.g. extensions and refurbishments) regardless of whether that work is considered a material change of

use or not. Their position was that sprinkler systems should be mandatory in residential buildings over 11m where appropriate, all storage and warehouses, all schools, refurbished care homes, and new hospitals. This, they said, reflected calls that they had made in England.

An additional concern they suggested was the transitional period for the Building Regulations proposed in the consultation. They strongly disagreed with the implementation of any transitional period, especially for Regulations 37A and 37B. They said there is no evidence to demonstrate that a transitional period is required to provide the industry and sector at large enough time to adapt to changes, and developers will only use this period to 'game' the system if it is introduced.

They suggested one term is used regarding sprinklers and automatic fire suppression systems for consistency and clarity. They said they specified sprinklers in their consultation response while recognising that other forms of Automatic Fire Suppression Systems (AFSS) can be used if supported by robust testing protocols.

They then said much of the proposed TBE appears to have been lifted from England's Approved Document B (ADB). ADB has not been properly reviewed since 2006, which was almost two decades ago, and it was their belief that the document is not fit for purpose in its current form. They said ADB has been amended and adjusted in a piecemeal and disjointed fashion and a holistic review is yet to be undertaken. Their concerns with ADB included (but are not limited to) the fact that it provides no consideration to the management of occupied buildings or the means of escape for people with disabilities. They claimed it does not work for a risk-based regime, and they urged further consideration to be given to the parts of TBE that are based on this outdated document. They said the suggestions made in this consultation response reflected their position across the UK, and they had long called for the same amendments to equivalent guidance within ADB in England and Wales.

For these reasons, whilst they did not wish to detract from the magnitude of the proposed changes, they were reluctant to fully endorse the consultation proposals at this time. They said they supported the changes on a conditional basis until such a time that ADB has been reviewed and any revisions published, at which point the Building Regulations in Northern Ireland should be examined again.

DEPARTMENT RESPONSE

8.42. Regulation 37A will apply to all 'relevant premises' as defined under the Fire and Rescue Services (NI) Order 2006 and all buildings containing flats irrespective of height. The Department accepts the argument made by this respondent and others that the fire safety information is equally important in low rise blocks of flats as those considered medium to high rise over 11m. The Regulation will apply to all forms of work – erection of new builds, those formed after a material change of use and also to existing buildings subject to an extension and/or alteration work. The guidance to this Regulation will clarify this information should only relate to the extension/alteration where that work has an impact on the fire safety strategy of the building.

Regulation 37B will apply to the prescribed list of buildings when erected, formed after a material change of use and a small number of limited extensions and/or alterations where Regulation 37B has been applied to the building previously. Applying to all extensions may or may not lead to retrofitting sprinklers to the existing building and, as such, a more complex operation is involved. In many cases a

bespoke solution will be needed depending on the individual circumstances of each building. It may be the case to consider a wider application of sprinkler provision for extension/alteration work in the future.

Regulation 37B will apply to a small number of building types initially – buildings containing flats or student accommodation, both with a storey over 11m and all residential care premises. It is intended to consider other building types in the future where evidence/research becomes available to justify their inclusion on the list. Storage and warehouses, schools and hospitals will be part of that consideration.

A transition period of 6 months will be implemented with these amendments. The normal transition period for building regulation requirements is 3 months however 6 months is appropriate on this occasion, given this is the first time industry is being asked to comply with a prescriptive regulation to fit sprinklers in certain buildings. Many respondents wished this period to be longer at around 12 – 18 months. The Department thinks 6 months is adequate for industry to adjust to the new requirement.

The Regulation will use the term Automatic Fire Suppression Systems (AFSS) and the guidance to comply with the regulation focusing on sprinkler provision. At the present time, the Department views sprinklers as the only suitable form of AFSS to satisfy the Regulation. That is not to say innovative systems may come along in the future which offer an equivalent or better level of performance as that of sprinklers. At present, the Department's view is that watermist systems do not offer the same level of performance as sprinklers.

As building regulation changes are mainly based on research and evidence, we rely on colleagues in England's Ministry of Communities, Housing and Local Government (MHCLG)and Technical Policy Division in the Health and Safety Executive's Building safety Regulator to share the outcomes of their research projects with us. Counterparts in England invest significantly in research prior to implementing changes to their building regulations. With no dedicated research budget here, it is correct to make use of England's research to help consider and rationalise our own changes. Hence, the replicating of provisions from ADB into TBE. However, while England's requirements are typically used as a starting point for developing proposals here, the local context is considered through targeted public consultation and consultation with NIBRAC and its sub-committees. It is planned to have further amendments to TBE which will involve a complete review of the whole document.

RESPONDENT

8.1. An organisation offered the following general comments:

- They noted that most of the proposals will bring Northern Ireland in line with the associated requirements for England. In principle, they supported a regime that unifies legislation and guidance with England and other devolved administrations. They said such an approach is better for business and several of their members who operate across all regions of the United Kingdom.
- They nevertheless urged that the Regulations and TBE should be reviewed again following the publication of the Grenfell Inquiry Phase 2 report, as this may provide pertinent recommendations regarding building design, stay put/simultaneous evacuations etc.
  They said they would continue to act as a forum for consultations and for fire related matters. To discuss the consultation, they offered themselves for contact.

DEPARTMENT RESPONSE

8.2. Historically, since building regulations inception here in 1973, building regulations requirements generally tend to follow those established in England. Without our own research budget, we rely heavily on the research and lessons learned from implementation, particularly in England, to justify changes made here. However, while England's requirements are usually used as a starting point for developing proposals here, the local context is considered through targeted public consultation and consultation with NIBRAC and its sub-committees.

Most of these changes in this package do bring NI into line with equivalent requirements in England. Only in a few incidents, due to consultation feedback or analysis through the NIBRAC process, do we deviate from that which is required in England. A consistent approach throughout all regions is of benefit to industry who operate in all regions.

The Grenfell Inquiry Phase 2 report was published on 04 September 2024. The recommendations pertinent to building regulations that it contains will be considered by the Department, including those associated with evacuation arrangements for people with disabilities and stay put/simultaneous evacuations more generally.

Annex A – List of 40 Respondents

- Ards & North Down Borough Council
- Armagh City Banbridge and Craigavon Borough Council
- Association of British Insurers
- BB7
- Belfast City Council
- British Automatic Fire Sprinkler Association (BAFSA)
- Causeway Coast & Glens Borough Council
- Construction Employers Federation
- Digital Fire and Security and NI Fire and Security Employers Federation
- European Fire Sprinkler Network
- Fermanagh and Omagh District Council
- Fire Industry Association
- IFC
- Individual
- Individual
- Individual
- Individual
- Individual
- Individual
- Institute of Fire Safety Managers
- Lisburn & Castlereagh City Council
- Mid-Ulster District Council
- National Fire Chiefs Council (NFCC)
- Newry, Mourne & Down District Council
- NI Federation of Housing Associations (NIFHA)
- NI Housing Executive
- Northern Ireland Fire & Rescue Service
- Property Consultants
- Propertymark
- Rockwool Ltd
- Royal Society of Ulster Architects (RSUA)
- Royal Town Planning Institute
- Sinn Fein
- The Alliance Party of NI
- The Chartered Institute of Building
- The Chartered Institute of Housing
- The Fire Sector Federation
- UK Atomic Energy Authority (UKAEA)
- Zurich Insurance