Implementing the Domestic Fire Safety (Wales) Measure 2011

Consultation – summary of responses

Part 3 of 3

110-17935 - St. Modwen Properties

139-17935 - Dwr Cymru Welsh Water

159-17935 - McCarthy and Stone (Will Purvis

160-17935 - Community Housing Cymru Group

ST.MODWEN

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Question 1: Do you agree with the proposed approach (set out in paragraph 20) of implementing the intent of the Measure through a combination of commencing section 1 of the Measure and making changes to the Building Regulations?

No.

We understand the overall policy objective to reduce fire deaths in Wales. However, it appears that the solution to the overall policy objective is to address this important issue by seeking to achieve a reduction in fire deaths in new and converted dwellings only. In this respect, given that the main issue to be addressed is the number of fire deaths in Wales in general, we believe it is imperative to establish whether or not the proposed legislation will be effective in achieving this aim.

We are keen to understand if evidence has been sought concerning the number of fire injuries and deaths within new build homes to enable a true understanding of whether the proposed measures will actually reduce fire deaths and injuries.

I understand that the HBF have asked at numerous meetings and events for this information to be researched and delivered as part of this consultation but without success.

It is our understanding that the vast majority of fire injuries and deaths occur in homes built prior to 1992 when hard wired smoke alarms have been mandatory in all new homes. Again I believe that the HBF have been robust in their own research on this matter and have provided such evidence to Welsh Government for their consideration. Therefore Welsh government should revisit the consultation paper including the Regulatory Impact and Cost benefit analysis which is clearly undermined by this lack of evidience.

Question 2: Do you agree with the proposed list of residences (set out in paragraphs 28 and 31) to which the regulations should apply?

No.

We do not believe the proposed list of residences in the consultation document reflect the correct mixture of homes to make the measures cost benefit suit the objectives of the measures.

The Policy Option 2 held within the Regulatory Impact Assessment shows a cost benefit for Wales and as such we would advocate adopting the residences shown within this Policy Option 2.

However, please refer to our response to question concerning the robustness of the overall evidence when considering fire injuries and deaths within new build properties. When considered this may show a significant impact on the Cost Benefit analysis.

Question 3: Do you agree that the guidance should refer to BS 9251 as the main standard by which the regulatory requirement can be met?

Yes

This would seem reasonable. However, we are concerned about the costs of supplying a system that will continually work even if water pressure drops. DCWW have stated to us that they cannot guarantee water pressure therefore to comply with the British Standard we would have to use a pump and tank system in any homes delivered upon our properties or the developers will sell to would have to do the same.

Therefore again we question the cost benefit analysis as the costs used rely on a mains feed system which we would not be able to guarantee complies with the BS standards.

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As such, we believe the Measure must ensure that sprinkler systems are installed in line with the BS standard and any other specifications to ensure they are operationally effective at all times.

Question 4: Do you agree that the guidance should retain the flexibility to refer to other fire suppression systems when such systems achieve a British Standard?

Yes.

Question 5: Do you agree with the proposal not to regulate to require the maintenance of fire suppression systems?

No.

It seems somewhat perverse that the measures are proposed to reduce fire injuries and deaths and the cost of providing the measures will seriously affect the viability of a huge number of new developments across Wales and that once installed the homeowners are not obliged to maintain such systems. If they are installed there should be regulation to maintain them to ensure the measures are as effective as the consultation documents suggest they should be.

We are extremely concerned with the comments and relatively little importance attached to the issue of proper system maintenance. We believe the issue of maintenance should be considered in much more detail and we certainly do not believe the Welsh Government should send out the message to potential home owners to suggest that they need not concern themselves with regular and proper maintenance of sprinkler systems.

Question 6: Do you agree with the proposal to produce a householder's guide to encourage the maintenance of fire suppression systems?

Yes.

Question 7: Do you agree with the proposed approach to commencing the changes to the Building Regulations?

No.

We do not believe the proposed approach has been properly thought through and therefore, we do not believe the regulations should be changed on the dates suggested.

Further to the above, we believe a longer transition period should be considered, which will allow sufficient time to address the issues that arise from large land holdings such as ours and renegotiation of the planning permissions and agreements that are associated with these measures. These measures will result in significantly lower levels of planning gain from our development at Llanwern, Newport and Coed Darcy, Neath Port Talbot.

Question 8: Do you agree that the suite of National Occupational Standards covering Mechanical Fire Protection remain relevant given the proposals covered by the new legislation?

Yes.

Question 9: Do you agree that existing sources of training will remain fit for purpose when the new legislation is implemented?

Yes

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Question 10: Do you agree with the proposed changes to the Approved Documents?

Yes

Question 11: Do you agree that the cost benefit analysis is a reasonable estimation of the estimated costs and benefits of the proposed regulations?

No. Pease see question 12 for more information.

Question 12: Do you agree that the Regulatory Impact Assessment has correctly identified the main risks and issues associated with the proposed regulations?

No.

We believe the cost benefit analysis could be based on incorrect information on the number of lives, injuries and property loss that will be achieved by the proposed regulations. In this respect, if incorrect data is inputted into the cost benefit analysis, it is likely to impact negatively on the soundness of the analysis and also on the results of the impact assessment.

Due to the water pressure issue stated above and our own research into the measures we believe the cost of installing a sprinkler system in an average three bed semidetached dwelling could be in excess of £5000 per home (as opposed to £3075 as quoted within the WG's viability assessment).

We do not believe the cost benefit analysis has properly considered the impact of the preferred option. In our view, the analysis needs to be re-run as a matter of urgency, taking into account the issues raised above.

The cumulative impact of regulation

Last, but most definitely not least, is the issue of the cumulative impact of regulations. To be clear, we believe these proposals, along with the cumulative impact of separate national and local legislation, will severely compromise development viability in Wales. This will in turn compromise the delivery of homes, including affordable homes, and stifle growth and investment in many areas throughout Wales.

We have extensive land holdings in South Wales and these measures will significantly impact the delivery timescale for these homes and may even lead to moth balling of these projects until there is a regulatory change or the economic viability of the project proves desirable for investment.

The estimated impact upon land values section of the Regulatory Impact Assessment states that land values would be reduce by 3 to 4% but this is based upon the almost total removal of affordable housing and doesn't take account of the continued burden of regulation within Wales which will result at best in zero affordable housing (which is completely against Welsh Governments stated policy) and at worst homes only being delivered in the most wealthy of area which in the case studies shown won't even include Cardiff.

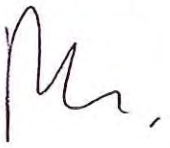
We believe it is incumbent on the Welsh Government to fully explain the potential impact of these proposals on development viability and the delivery of homes in all areas of Wales. As such, we believe the impact assessment should fully demonstrate the cumulative impact of this and other legislation on land values in Wales and what this will mean for housing development, including affordable housing delivery across each local authority in Wales. Furthermore, we believe the impact assessment should also highlight the potential impact on regeneration, growth and investment in Wales, particularly given that as a result of cumulative impact of these proposals, there is likely to be a significant drop in housing development, especially in lower land value areas.

Recommendations

In light of the above, despite the numerous potential flaws within the cost benefit analysis, the impact assessment, the creation of the Measure, the potential success of the measure and the viability analysis work, it would seem there is a substantial amount of evidence weighted against the adoption of the preferred option.

In this respect, given the evidence to hand, we believe the regulations should be considered with respect to Policy Option 2, which deals with the installation of sprinklers in all residential buildings within the categories covered by the Measure deemed to be cost effective (in accordance with the cost benefit analysis).

Ben Cook
Residential Land Director
St Modwen Developments



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Building Regulations Consultation
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28th May 2013

Dear Sir,

Comments from DCWW on the Consultation Document - Implementing the Domestic Fire Safety (Wales) Measure 2011

We are grateful for the opportunity to comment on the proposed regulations.

We recognise that the introduction of Domestic Sprinklers in Wales can reduce the loss of life due to fires and are committed to working with developers and the sprinkler community to ensure that the regulations are implemented in the most cost effective and efficient manner. We recognise however, that there are issues to be resolved and it is of great importance that we work together to meet these objectives.

There is clearly a need to ensure that the new law is implemented in such a way as will strike the right balance and that the full cost implications are properly understood. From our perspective, it is important that the changes are proportionate and any additional costs are kept to a minimum in order to keep customer bills affordable

We will continue to be involved in the Working Group and are keen to continue working with the Welsh Government teams and others as the regulations are finalised and the measures implemented. We very much support the reference in Chapter 2 to avoiding additional bureaucracy and incurring unnecessary administrative costs.

Our response to the document is in three parts:

1. Clarification of our policy position on flow, pressure and direct or indirect fed systems;
2. Responses to the questions in the Consultation Document; and
3. Comments on individual paragraphs in the Consultation Document.

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1. Clarification of DCWW's Policy position on Flow, pressure and direct or indirect fed systems

There are a number of references to flow and pressure in the document and the way we manage the network (our distribution system). For clarity the policy we will implement will be based on the following points of principle:

a. We strongly advocate the use of "storage based" solutions as opposed to "direct feed" systems, as this removes the reliance on pressures and flows in our network.

b. Liability for the system not operating effectively rests with the designer and installer. As the flows and pressure at any point in the system cannot be guaranteed due to a number of factors beyond our control, e.g. demand, bursts, illegal use etc. The design and the installation of indirect or pumped systems will be a decision for the designer.

c. We are currently looking at the practicalities of single feed installations to properties through a meter located at the boundary, specified to accommodate the fire flows with acceptable head loss, and also measure the low flows during domestic use.

d. Any installation will have to comply with the Water Regulations and will be subject to our standard inspection/audit approach.

e. Potentially there will be charging implications due to the size and specification of the new meters and connections. We will however mitigate these wherever possible within the regulatory framework. These costs will kept to a minimum but need to be met by the developers and customers.

Our Policy will be refined through a series of consultation workshops with all key stakeholders.

The proposed implementation timescales could be challenging as there will be a need to procure a new meter to meet any required duties and a sensible lead time on any system developments so that we are able to register the location of new installations. It is important that sufficient time is allowed for effective implementation of the Regulations particularly with reference to the levels of training and education required.

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2. Responses to the questions in the Consultation Document

a. Question 1 – Yes, we support this recommendation.

b. Question 2 – The proposed list of properties will be covered in our Policy

c. Question 3 – Yes, we support the recommendation that the guidance should refer to BS9251

d. Question 4 – Yes, we support this recommendation.

e. Question 5 – We will ensure that any impact of incorrect maintenance will not impact on our network through compliance with our Water Regulations. Customers will be required to install a single check valve on their supply pipe work which will need to be replaced every five years.

f. Question 6 – Yes, we support this recommendation and will participate in any initiatives designed at raising awareness with system owners.

g. Question 7 – Although we support this recommendation, the timescales for implementation need to reflect the scale of training required and that there is ample opportunity to raise awareness about the Regulations amongst developers and householders. From our recent experience in implementing Welsh Minister Standards for Gravity Foul Sewers and Lateral Drains, it was clear that getting clarity on the transitional arrangements was fundamental to making the implementation of those regulations a success.

h. Question 8 – We do not have a view on this question.

i. Question 9 – We will ensure that our own people are adequately trained to deliver the requirements of the Regulations. The Welsh Government needs to ensure that sufficient time for training is included in the transitional arrangements.

j. Question 10 – We do not have a view on this question.

k. Question 11 – We will work with developers and the sprinkler community to ensure that we implement the requirements of the regulations in the most cost effective and efficient manner to meet these objectives.

l. Question 12 – We will have to consider the impact of the legislation on customers bills and we will do what we can to mitigate these costs within our regulatory framework.

m. We have no objections to our comments being made public.

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3. Comments on individual paragraphs in the Consultation Document

For clarity we have a number of comments on specific points in Chapter 3.

53. 'In many instances tank and pumps would not be necessary and the water supply could be provided by the town mains' – Liability for the system not operating effectively rests with the designer and installer. As the flows and pressure at any point in the system cannot be guaranteed due to a number of factors beyond our control, e.g. demand, bursts, illegal use etc. The design and the installation of indirect or pumped systems will be a decision for the designer.

56. The paragraph refers to the need for an installation and commissioning certificate, and refers to the quality, reliability and safety of the product. Whilst it is obviously important that the system functions in the way it was intended, the paragraph does not take into account the need for the system to have been fitted correctly so as not to cause issues with domestic water quality. We can quote numerous examples of where systems have been installed (rainwater harvesting / greywater recycling) and whilst they are perfectly functional, the way in which they have been installed have given rise to contamination of the domestic drinking water supply (through cross connections / inadequate check valving / creation of "dead-legs" allowing water to stagnate etc.)

58. Liability for the system not operating effectively rests with the designer and installer so it will be their risk based decision.

59. Water meters designed to accommodate the high flows without creating an unacceptable head-loss and also to measure low flows for revenue purposes are currently not available in the market although we believe devices are due to become available in the second half of next year. Any flow or pressure data supplied will only represent the network at a point in time and cannot be guaranteed – see comments made in Section 1.

83. We manage pressures to give the optimum balance between customer service and system maintenance – this is not always pressure reduction.

84. Each installation is unique. As the flows and pressure at any point in the system vary due to a number of factors beyond our control, e.g. demand, bursts, illegal use etc, generic comments with respect to pressure are therefore not relevant.

85. It is the higher flows required by the domestic sprinklers that give rise to risks from discolouration. Pumping to meet these requirements will not be at a higher rate so there is no increased risk from pumped systems.

88. The normal design flows for a network are based on the assumption that any group of outlets have a combined flow requirement of 18l/min (see BS6700:2006. This is considerably less than typical Domestic sprinkler requirements of 100l/min.

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90. New developments are supplied from existing networks which can be at the limits of their capacity and are designed to meet the minimum service standards. Reinforcements are only provided to bring flows and pressures at the new development up to the minimum required for domestic purposes so the assumption that new infrastructure will result in increased pressure is not necessarily valid.

93. The flows and pressure at any point in the system cannot be guaranteed due to a number of factors beyond our control, e.g. demand, bursts, illegal use etc. The design and the installation of indirect or pumped systems will be a decision for the designer.

96. Liability for the system not operating effectively rests with the designer and installer so it will be their risk based decision.

97. We note the comments in this paragraph but would be interested to see evidence substantiating the statements made.

98. The requirement to inform customers only refers to permanent changes to the network. Temporary fluctuations caused by external factors such as higher demands would not be notified.

99. Our Policy will be to install a meter at the boundary of the property so this will not be an issue for monitoring water usage. It will be illegal to cross connect as it will be in breach of Water Regulations.

101. Our Policy is to have a single metered supply.

105. We strongly advocate the use of "storage based" solutions as opposed to "direct feed" systems, as this removes the reliance on pressures and flows in our network.

110. See comments made in Section 1. The reference to material changes should be as per paragraph 98 and should apply only where reasonably practicable.

114. The reference to material changes should be as per paragraph 98 and should only apply where reasonably practicable.

119. The potential for microbial risk exists both during the installation the operation and the maintenance of the sprinkler system. It is vital that standards and controls exist to govern the quality of installation with regard to impact on drinking water quality. (see comments made in Para 56) The comments made in paragraph 119 are very focussed on legionella risk, which is deemed as a "low" risk, but this is based on the fact that during the operation of the sprinkler system it would not be expected for unprotected persons to be in the area, and does not mention the risk associated with accidental operation.

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However more general bacteriological risks exist with such systems. Heterotrophic bacteria will thrive anywhere where there is an ambient temperature and adequate nutrient for growth. Stagnant water (in pipes or tanks) provides an ideal environment for bacteriological growth and the maintenance regimes described in paragraph 125 (tank draining and maintenance) will provide opportunity for an inadequately protected drinking water supply to become contaminated with stagnant water if not carried out by a competent person.

145. The proposed implementation timescales could be challenging as there is a need to procure a new meter to meet the required duty and lead time on a system to register the location of new installations. It is important that sufficient time is allowed for effective implementation of the Regulations particularly with reference to the levels of training and education required.

I hope that you find these comments helpful but we would be happy to expand on them either through further correspondence or in a meeting if you think that more appropriate.

Yours sincerely

pp Peter Perry
Executive Operations Director

Response to the Welsh Government's Consultation on:

Implementing the Domestic Fire Safety (Wales) Measure

June 2013

Introduction

1. McCarthy & Stone provides approximately 70% of all owner-occupied retirement and Extra Care accommodation for older people in the UK. To date, we have built more than 45,000 dwellings across 1,000 different schemes, including many in Wales.

2. We have two scheme types:

   i. **Later Living** (since 1977) – Similar to traditional 'Category Two' type sheltered housing, but to Lifetime Homes Standards. It includes a House Manager, lounge, communal 'laundry', CCTV, camera entry system, guest suite and lifts to all floors. Residents have active, independent lifestyles in a safe but private environment. The average age at purchase is approximately 78.

   ii. **Extra Care** (since 2000) – We have 42 Assisted Living Extra Care schemes, either open or in planning, making us the largest Extra Care provider in the UK. These dwellings are as above but are designed to full wheelchair housing standards and widths, and include more services such as 24-hour attendance, a restaurant, lounge and one hour per week of domestic assistance, with care packages available. The average age at purchase is approximately 83. Schemes are managed by a CQC-registered joint venture between McCarthy & Stone and Somerset Care.

Question 1:

Do you agree with the proposed approach (set out in paragraph 20) of implementing the intent of the Measure through a combination of commencing section 1 of the Measure and making changes to the Building Regulations?

No.

While McCarthy & Stone supports the overall policy objective of reducing fire deaths in Wales, the Welsh Government's own figures fail to demonstrate that the proposed approach will achieve this. The evidence put forward in the consultation does not relate specifically to deaths that may have been avoidable with fire suppression systems installed. Furthermore the figures provided appear to suggest that vast majority of deaths relate to incidents in older properties (built prior to 1992) not new-build or converted dwellings.

By addressing new regulations towards new and converted dwellings only, the Government's proposals fail to address the issue at hand and are therefore extremely unlikely to result in a significant reduction in the number of fire deaths in Wales in general.

McCarthy & Stone is committed to the safety of its residents and the experience of retirement housing operators around the world is that 'managed evacuation' fire procedures are more effective at protecting the lives of older residents. The use of sprinkler systems is not conducive to a staged and managed evacuation of vulnerable older people by estate management staff and emergency services personnel.

Question 2:
Do you agree with the proposed list of residences (set out in paragraphs 28 and 31) to which the regulations should apply?

No.

Although the information provided by the consultation fails to break down which, if any, of these residences types the fire deaths and injuries actually occur within, it appears that the Government's proposals have chosen to deliberately ignore other types of buildings/residences that would benefit from higher levels fire safety measures.

It is unclear why the proposals fail to include HMOs, nursing homes (residential), youth hostels and similar residence types despite evidence, from England, of high levels of fire incidents in this type of accommodation. In these cases there **is** significant evidence that the application of higher standards of fire protection including fire suppression systems dramatically reduces these death levels.

It appears anachronistic that the current proposals impose a higher regulatory burden on building/residence types where there is little evidence of a likely benefit whilst ignoring accommodation types where there is a proven case for improving fire safety standards.

Question 3:
Do you agree that the guidance should refer to BS 9251 as the main standard by which the regulatory requirement can be met?

No.

Guidance should not be restricted by reference to BS 9251. Fire prevention should be designed to meet the risk and a 'standards' approach may not suggest the most appropriate solution to the assessed risk

For example, 'tank in roof' solutions are usually not appropriate for flatted developments given the cost and structural considerations when deployed on a larger scale. The provision of tanks and storage vessels, pumps and ancillary equipment would take up the space of a 1 bed flat. Instead, where appropriate, we provide dry riser fire fighting solutions which are independent of the water mains and charged by the attending fire appliance.

Question 4:
Do you agree that the guidance should retain the flexibility to refer to other fire suppression systems when such systems achieve a British Standard?

Yes.

However, flexibility should be extended to include appropriate EU Standards.

Question 5:
Do you agree with the proposal not to regulate to require the maintenance of fire suppression systems?

Yes.

Question 6:
Do you agree with the proposal to produce a householder's guide to encourage the maintenance of fire suppression systems?

Yes.

It is important that owners and occupiers of dwellings with automatic fire suppression systems are aware of the maintenance requirements of such systems. Unlike many other systems, a system that provides safety if not maintained can kill. The fire authorities have considerable evidence that even simple devices such as smoke alarms are more often than not inoperable due to poor or no maintenance.

Question 7:
Do you agree with the proposed approach to commencing the changes to the Building Regulations?

No.

Failure to allow sufficient time to build proposed systems into industry designs and budgeting is likely to result in rushed and poorly designed systems being installed in developments.

We believe that a longer transition period should be considered to allow time for the concerns raised in our response to be addressed and, as such, to ensure that consequent fire suppression systems are appropriate.

Question 8:
Do you agree that the suite of National Occupational Standards covering Mechanical Fire Protection remain relevant given the proposals covered by the new legislation?

No.

Sprinkler style fire suppression systems have historically been applied in non dwelling environments. Time is required for skills organisations to develop the necessary processes, training and qualifying conditions to apply standards to dwelling designs.

Question 9:
Do you agree that existing sources of training will remain fit for purpose when the new legislation is implemented?

No.

Given the remit of the proposals, there will need to be a massive expansion in the delivery of suitable training and qualifications specifically aimed at a housing scale.

Question 10:
Do you agree with the proposed changes to the Approved Documents?

No.

There is currently conflict between the Approved Documents and the consultation. The Approved Documents must provide the same level of guidance as the eventual regulations.

Question 11:
Do you agree that the cost benefit analysis is a reasonable estimation of the estimated costs and benefits of the proposed regulations?

No.

The cost benefit analysis contained in the consultation suggests that installing fire sprinklers into new dwellings is not the most cost effective means of reducing fire deaths in Wales. Significantly greater benefit could be obtained by targeting regulation at older properties.

Although the figures provided for flatted schemes are similar to our own cost evaluation it fails to consider the costs associated with communal areas (up to 30% of a retirement housing scheme) as well as the loss of revenue from lost saleable areas that will have to be used to accommodate the service equipment.

We also believe that the cost of maintenance of such systems has been significantly underestimated. This is an extra cost burden which will fall directly upon new homeowners and will have a consequently have an impact upon the saleability of new developments.

Question 12:
Do you agree that the Regulatory Impact Assessment has correctly identified the main risks and issues associated with the proposed regulations?

No.

McCarthy & Stone believes that the costs and practicality of implementation have been significantly underestimated for the reasons addressed above.

The cumulative impact of the introduction of sprinkler systems will be to increase the burden on house building in Wales. In our opinion the Welsh housing market values cannot support the true cost increase associated with these systems.

This will inevitably lead to a decrease in the delivery of new housing in Wales.

Consultation on Domestic Fire Safety (Wales) Measure 2011

Community Housing Cymru Group response

1. About Us

The Community Housing Cymru Group (CHC Group) is the representative body for housing associations and community mutuals in Wales, which are all not-for profit organisations. Our members provide over 153,000 homes and related housing services across Wales. In 2011/12, our members directly employed 7,500 people and spent over £850m in the Welsh economy.[1] Our members work closely with local government, third sector organisations and the Welsh Government to provide a range of services in communities across Wales.

Our objectives are to:

- Be the leading voice of the social housing sector.
- Promote the social housing sector in Wales.
- Promote the relief of financial hardship through the sector's provision of low cost social housing.
- Provide services, education, training, information, advice and support to members.
- Encourage and facilitate the provision, construction, improvement and management of low cost social housing by housing associations in Wales.

In 2010, CHC formed a group structure with Care & Repair Cymru and CREW Regeneration Wales in order to jointly champion not-for-profit housing, care and regeneration.

CHC welcomes the opportunity to respond to the consultation on the regulations for the domestic fire safety measure. CHC supports any action to improve fire safety, although there are particular areas within the regulations that our members believe need more consideration to make its implementation more effective.

[1] Measuring the Economic Impact of Welsh Housing Associations, November 2012

Community Housing Cymru Group Members:

Aelodau Grŵp Cartrefi Cymunedol Cymru:

Grŵp Cartrefi Cymunedol Cymru

Community Housing Cymru Group

Chapter 2

Proposed approach

Question 1: Do you agree with the proposed approach (set out in paragraph 20) of implementing the Measure through commencing section 1 of the Measure and through making required changes to the Building Regulations?

Yes (In principle)

Making required changes to the building regulations would seem an appropriate mechanism for any categories of new residences that should be covered by the measure. However, whilst we are very supportive of implementing measures to improve fire protection in domestic buildings, feedback from our members suggests that they do not believe that sufficient research has been completed to identify the impact that the existing 'Requirement B1' of the Building Regulations has had on fire safety, when compared to domestic buildings built prior to regulations coming in to force. Further to this, members have also stated that they do not believe fire suppression systems should be considered as a single solution for all domestic buildings and that multiple solutions should be considered, that take into account the design and risk of each domestic building type. It is perhaps some older properties that are at greatest risk, particularly high rise and shared housing conversions, and changes to building regulations will not impact them.

Clarity is sought over the classification of where Supported Housing sits with regards to new development and the standard to which the installation of sprinklers sits. Feedback from membership suggests that it has proven to have a large impact on costs providing the requirements of the specification to meet residential care in a domestic dwelling.

Question 2: Do you agree with the proposed list of residences to which the regulations should apply?

As stated above, we feel that the proposed list of residences should take into account the design and risk associated with each dwelling. Specific feedback from members states that the new measures should not apply to all dwelling houses because they should take into account the design and risk associated with each dwelling, in that there is a lack of focus on establishing whether deaths and injuries caused by fire are reflective of the age and typology of the housing stock for example, as well as where fire escape can be considered a higher risk.

Whilst members understand the rationale for Government intervention (noting that the majority of deaths and injuries from fire in Wales occur in the home), members have expressed concern regarding the cost that meeting the requirements will have on the impact of the supply of new homes in Wales and therefore do not agree with the proposed list of residences. There is a desperate shortage of homes in Wales which will be impacted on again by sprinkler installation and subsequent maintenance costs. At a time when Wales needs greater economic stimulation, there is concern that these requirements may result in fewer homes being built. The requirements will also require greater subsidy per property for affordable homes to be developed, and thus for any given amount of

grant, fewer affordable homes may be built. Members have questioned the timing of the commencement of the measure given the delicate state of the economy and have also noted the conclusion in the BRE report that residential sprinklers are probably cost effective for residential care homes, probably cost effective for tall blocks of flats but that residential sprinklers are not cost effective for other dwellings.

CHC has had feedback that properties, for example, which have been constructed over the last 25 years have good fire protection and detection and whilst fires do occasionally arise, existing measures can not only provide adequate warnings for residents but fire damage is always contained within the designed compartmentation. It was noted in feedback that in exceptional circumstances where residents may need to be evacuated, there may be an argument for sprinkler system installations should many residents be incapacitated (with care homes and hospitals being noted as examples).

Feedback from members has stated that consideration is requested to consider domestic supported living schemes housing people in the community as a clearly defined residence in line with Class C3 dwelling type.

Design, testing and installation of residential fire suppression systems

Question 3: Do you agree that the guidance should refer to BS 9251 as the main standard by which the regulatory requirement can be met?

Yes, although there should be other methods of compliance available if BS9251 cannot be met on some occasions. The guidance should be reviewed to take into account the current over specification of domestic supported living schemes.

Question 4: Do you agree that the guidance should retain the flexibility to refer to other fire suppression systems when such systems achieve a British Standard?

Yes. This sort of flexibility is helpful. It will be important that any guidance has the flexibility to adapt to new technologies and advancements in fire suppression systems.

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Maintenance of residential fire suppression systems

Question 5:

Do you agree with the proposal not to regulate to require the maintenance of fire suppression systems?

No. Although we understand the challenges that this would bring particularly with the private sector for example, fire suppression systems should have a mandatory servicing regime. In circumstances in which a tank and pump is required, domestic boosters, pumps and tanks require maintenance and CHC understands that all systems will require non return check valves. CHC understands that that booster pumps without tanks would be more likely to stir up sediment in the network and reduce the quality of water in the surrounding area.

RSL's would be obliged to maintain the systems to a satisfactory standard. However, the increase in resources required would be considerable and the legal and technical implications may need to be more fully understood (where systems are installed in areas of low water pressure for example, when there are power cuts and the system fails to operate etc.) Where properties are in management there will be legal implications for non-compliance and non-maintenance of sprinkler systems and without regulation there will be no guarantee that private homeowners will maintain sprinkler systems to the standard expected by this Measure. The question has been posed as to whether there is an expectation that insurance companies would compel private owners to maintain their sprinkler systems?

It would make sense to ensure that equipment is maintained to a recognised standard. There can be no justification for enforcing the installation of equipment that will not function. CHC has received feedback that the cost benefit analysis undertaken by BRE demonstrated that the equipment needed to work for 40 to 50 years and even then sprinkler systems were only marginally viable for some premises and not at all for the vast majority of homes.

Question 6:

Do you agree with the proposal to produce a householder's guide to encourage the maintenance of fire suppression systems?

It would seem sensible to provide guidance relating to maintenance. It is essential to produce a householder's guide to explain to the homeowners the importance of maintenance of the system and for the avoidance of redundant systems. If other fire related regulations are relaxed due to the installation of a sprinkler system, it is vital that this is understood and does not result in further fatalities and /or injuries.

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Commencement

Question 7:

Do you agree with the proposed approach to commencing the changes to the Building Regulations?

Members have questioned the timing of the commencement of the measure given the delicate state of the economy. We agree that there should be sufficient lead-in times before changes to Building Regulations take effect to allow planning and adaption to the proposed changes, although there seems little time for the implications of this consultation to be taken into account before the new regulations are expected to be made in September 2013 and come into force in spring 2014.

Industry Competence and Training

Question 8:

Do you agree that the suite of National Occupational Standards covering Mechanical Fire Protection remain relevant given the proposals covered by the new legislation?

To an extent, members did not comment on this question, given that they may not have lots of experience in the design, supply, installation and commissioning of fire suppression equipment although it would be reasonable to assume that given the scale of the new legislation, the National Occupational Standard covering Mechanical Fire Protection should be reviewed to ensure compliance with the regulations.

Although CHC are not familiar with the detail of the standard, it seems appropriate to refer to them as a benchmark and of most significant is the planning necessary to ensure that individual work packages, such as the revising of National Occupational Standards, can be undertaken in a timely manner and in parallel to the legislative programme.

Question 9:

Do you agree that existing sources of training will remain fit for purpose when the new legislation is implemented?

Increased training may be a requirement of any new legislation and it is important in particular to understand demand, review qualifications and accreditation structures and develop capacity. Generally speaking, ensuring the existing workforce is sufficiently skilled and competent to deliver against the measure is as an important factor in determining the quality of work undertaken in complying with the new legislation, ensuring that health and safety standards are maintained and raising overall productivity levels within the workforce, thereby improving business competitiveness

and reducing overall costs.

It is obviously of benefit to develop existing sources of training and it's important that people and organisations know what is available. If the design and installation of fire sprinkler systems is generally operated through specialist contractors, then one may feel that there is limited delivery capacity amongst the existing training supply network in Wales. CHC is unsure whether any of Wales' Further Education or Higher Education institution offer bespoke forms of training on a rolling basis. This is important to consider moving forwards with the likely requirement to potentially need to develop new competency standards, build training capacity and deliver new skills to industry, which pose a number of challenges and opportunities which may need to be addressed prior to the new legislation coming into force. Businesses and organizations need to be fully prepared in responding to any new requirements and they should be allowed to compete for work as well as new ones being able to potentially enter the market.

SME's across Wales should have access to training as well as in acting collectively to source training services. There is a potential for apprenticeship opportunities and use of the can do toolkit, for example, as a mechanism for driving skills capacity across the industry through use of social clauses within contracts.

A key issue is the need to develop and enable a system and resource to deliver the standard to be required. No doubt, further exploratory work is needed to determine the true extent of the skills and training challenge and a programme of work will need to be undertaken to both understand and respond to the potential skills gaps and shortages that may emerge. CHC understands BAFSA have been talking to Neath Port Talbot college about up-skilling plumbers to support the installation of fire suppression systems and CHC plans to engage further with this. Having the infrastructure and competent persons in place within the suggested timeframe may be difficult and may prove a complex problem for the enforcing authorities if there is no practical way to sign off a residence, for example, following the introduction of the new Regulations and guidance.

Proposed amendments to Approved Documents

Question 10:

Do you agree with the proposed changes to the Approved Documents?

Members have commented that it would seem more sensible to introduce a measure such as this which targets property types where risks are greater, such as those identified in the BRE's cost benefit analysis. As stated already, whilst we agree that a measure should be implemented to improve fire protection in domestic buildings, we do not believe sufficient research has been completed identifying the impact that existing 'Requirement B1' of the Building Regulations has had on fire safety, when compared to domestic buildings built prior to regulations coming in to force. Further to this, we do not believe fire suppression systems should be considered as a single solution

for all domestic buildings and we consider that multiple solutions should be considered, that take into account the design and risk of each domestic building type.

It was commented that the proposed changes to the approved documents are too developed given the limited evidence and lack of focus on establishing whether deaths and injuries are reflective of the age and typology of the housing stock. It was also commented that Policy Option 2, which the BRE deemed to be cost effective, is a more sensible and pragmatic approach, but this needs to be further explored by the impact assessment

Regulatory Impact Analysis & Cost Benefit Analysis

Question 11:

Do you agree that the cost benefit analysis is a reasonable estimation of the estimated costs and benefits of the proposed regulations?

The conclusion in the BRE report is that residential sprinklers are probably cost effective for residential care homes, probably cost effective for tall blocks of flats but that residential sprinklers are not cost effective for other dwellings. A more risk centred and targeted approach to the introduction of automatic sprinkler systems would seem to be more sensible. CHC has received feedback that although the cost benefit analysis adequately recognises the 'costs' of the proposed regulations, no consideration has been given to distinguishing between fires occurring in new build or older properties. The current fire safety requirements of the building regulations are quoted as a driver for the recent reduction in fire deaths and these measures only apply to new build and refurbished properties. Therefore it may seem safe to assume most of the remaining deaths from fire are in older properties and it is important to take this into account. Feedback has stated that it is unclear whether introducing further fire safety measures in new build while not taking into account older stock would have the implied impact in the real world.

Feedback from membership suggests that the cost analysis was not a fair representation of the risk fire to new domestic buildings and the fire regulations currently in place. We do not believe sufficient research has been completed identifying the impact that existing 'Requirement B1' of the Building Regulations has had on fire safety, when compared to domestic buildings built prior to regulations coming in to force. A 'fair and accurate' cost benefit analysis can therefore not be made without this research data in place.

If the preferred approach of DCWW and Dee Valley Water was for a fire suppression system to be supplied through a tank and pump, this would increase installation costs and maintenance requirements of the system. If there is a requirement for water storage tanks, there may have structural implications. This may result in additional development costs and will require servicing,

leading to service charge implications for the tenants. Our members are trying to provide affordable housing in an increasingly complex and expensive industry.

The mains water pressure required for the system to operate may not be sufficient in many parts of Wales and an additional water storage tank and pump would be required. Furthermore, members have expressed concern that the water companies will not be liable for the guarantee of mains pressure or flow over domestic supply pressure. Prior to this measure being implemented, consideration could be given to enhancements of water infrastructure standards, so that they can support simple systems without the need for a separate tank and a pump.

CHC understands that the strategy to reduce leakage from the existing network is to reduce the town mains pressure but if the water companies are not legally bound to provide a certain pressure or flow then it's a concern that ultimately it is the responsibility of the designers and developers and constructors to meet the code. If a mains fed system is installed and the pressure drops in the future, if it was found that the system would not then function as intended then it may be the case that occupants in large developments would be looking to the developers to carry out remedial works. It was commented that the context of wider water industry obligations and responsibilities will need to assist and facilitate effective implementation and to assist in cost effectiveness.

Even if the statistical probability is that most fire casualties occur between midnight and 0600 when water demand is low and though it may have been assumed that there is an inherent safety factor to the BS9251 and that a reduced pressure would not necessarily cause an unacceptable level of safety, CHC believes that research and advice on the effectiveness of mains fed systems and the implications of water supply pressure would be useful. In regards to water meters, it is important that they do not impact the ability of a sprinkler system to operate.

Question 12:

Do you agree that the Regulatory Impact Assessment has correctly identified the main risks and issues associated with the proposed regulations?

Many of the main issues have been identified but little attention has been paid to the identified risks by property type and there is no information to clarify if fires are occurring in new build properties or older stock. A more targeted approach to those areas of greater risk would have been more relevant. In addition, impact assessments have not done for social landlords or major house builders, for example, who will be affected by the measure.

We do not believe sufficient research has been completed identifying the impact that existing 'Requirement B1' of the Building Regulations has had on fire safety, when compared to domestic buildings built prior to regulations coming in to force. Once this research has been carried out and published, a fair assessment of the measures can be made.

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Question 13:

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Some RSL's will be submitting their consultation response individually and there are some interesting examples of experiences with sprinkler installations.

Community Housing Cymru Group
June 2013

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