



14 August 2023

Rt Hon Michael Gove MP
Secretary of State Department for Levelling Up, Housing and Communities
2 Marsham Street
London
SW1P 4DF

Dear Secretary of State,

I am writing to you from [The Housing Forum](https://www.housingforum.org.uk) – the cross-sector body for the housing sector representing member organisations ranging from architects and manufacturers to developers, housing associations and local authorities. All our members come together to share our mission of *A Quality Home for All*.

We are writing to you out of concern about the second staircase requirements for buildings over 18m in height, and to highlight the unintended consequences that the new legislation is having on the housing and construction sectors.

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The housing and construction sector very much supports ensuring that buildings are safe. We welcome the clarification that we now have over the height limit, though this means that a large number of additional buildings at different stages of development are now falling within scope.

The requirement for a second staircase in taller buildings was announced in December 2022, but eight months on there is still very little in the way of further technical clarity on the purpose or design requirements. The sector is struggling with the lack of a clear roadmap that sets out how these proposals fit within other building safety changes, giving certainty and confidence in investing for the future.

We have three main concerns relating to:

- The lack clearly identified **core purpose** of the two staircases. The design of a staircase depends on its intended use.
- **Transitional arrangements**
- Clarity over the **technical requirements** and purpose of second staircases

The core purpose of a second staircase

The issue over the core purpose is pervasive leaving many unanswered questions:

1. Is one staircase intended for residents and the other for firefighting? Or is the second one an alternative escape route for residents if the other staircase becomes smoke-filled?
2. Are both staircases intended as potentially available for firefighting? If so, this will impact on the design of the shafts (ie REI 120 minutes fire protection, dry riser outlet, signage, etc).
3. Is the stay-put advice is changing?
4. How will residents be told which staircase to use in the event of a fire?

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5. Can the second stair form part of an evacuation strategy for residents with restricted mobility?

If the people making decisions over fire safety are not clear on these questions, they cannot make sensible judgements or design for the intended purpose.

Transitional arrangements

The government needs to provide leadership to all stakeholders (including developers, planners, lenders and landlords) to ensure transitional schemes are delivered. Stakeholders need to be encouraged to remain committed to transitional schemes to prevent important homes and places being significantly delayed or, worse, made unviable.

The transitional arrangements need urgent and very clear clarification. In detail:

1. Clarity is needed on what constitutes the definition of “off the ground”. Is this:
 - a. A point in the planning process?
 - b. Building control approval achieved?
 - c. Works commenced on site? How is this defined?
 - d. Some other point?
2. Clarity is needed on the “short” period. A quantifiable period of some number of months would be clearer.
3. A timetable setting out when further regulation will come into effect should be published.
4. It is unclear how the Government intends to manage the impact of costs and programme changes on the affordable housing sector for large scale projects that have already been through the design process and are now subject to additional design changes. Our social housing providers need to know urgently whether any funding stream will be available for this purpose.
5. Many applications will require a resubmission of planning applications. It is unclear whether planners will be directed to show leniency and cooperation where designs are being revisited purely to accommodate the second stair, and/or whether they will be encouraged to fast track any planning resubmissions for this purpose.
6. The sector needs to see details of actions that DLUHC are taking to train local planning officers (particularly design officers) so that they are knowledgeable and can give constructive advice to planning applicants.
7. The sector needs to see details of actions that DLUHC are taking doing to train the various people needed on the Building Control consultation side to ensure we have well informed and timely responses to emerging proposals. For instance, we are aware of a lack of fire engineers within some Building Control teams.
8. Reassurance that for London schemes, the Mayor’s office is on board with the transitional arrangements proposed by Government is essential.

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Following the release of the previous 30m consultation – the GLA moved to mandate second stairs above 30m through their own planning powers. There is concern that they may look to reduce this to 18m regardless of wider governmental transition plans.

9. For those schemes in London already delayed and impacted by the 30m requirement, developers need to know whether the requirement for stairs on buildings of 18-30m will be tied to GLA funding.

Beyond the question of second staircase there is currently a lack of clarity, coordination, and agreement between industry stakeholders for a raft of fire and safety regulation. This is impacting now on projects at all work stages.

Clarity on the technical specifications

The concerns around the lack of clear purpose and technical specifications are:

1. In the absence of clear guidance for designers, it is unclear whether the provision of a second protected staircase integrated into an existing core arrangement will be sufficient to meet the emerging fire safety standards. Answers to the following questions are therefore urgently needed:
 - a. Do all residents require access to both staircases (requiring the stairs to be positioned at either end of the protected corridor)?
 - b. Is a second core is required (and if so in what circumstances or height limit), for fire-fighting purposes?
 - c. Do both staircases need to be constructed to the same specification of compartmentation?
 - d. Do second staircase requires the same travel distances and lobby requirements as any other staircase?
 - e. Is it the intention that the second stair is just a “stair”, or a “core” which includes lifts? If it requires lifts, what type of lifts (ie firefighting lift, evacuation lift, passenger lift etc?) and how many?
 - f. If there are two rising mains, how does that affect hose length calculations – ie which one is assumed to be used by the fire service?
 - g. What will be required to provide “sufficient separation between staircases” or what “additional measures” will be required (as mentioned in the Approved Document B consultation)?
 - h. Can the stairs be adjacent but separated by fire resisting construction?
 - i. Will there be a maximum or minimum distance between the doors to the stairs?
 - j. If the primary stair has a ventilated lobby (for evacuation lift provision as the draft BS9991) and assuming an unventilated access corridor, as diagram 3.7 in current Approved Document B, does the second stair require a ventilated lobby?

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- k. Would the access corridor need to be ventilated as the two stair diagram 3.8 in current Approved Document B, in addition to the evacuation lift lobby?
 - l. Will it be possible to have a shared ventilated lobby between the stairs?
 - m. Does the provision of a second stair affect (increase) permitted travel distances in common parts as table 3.1 in current Approved Document B? Or is the intention the second stair is discounted for travel distance purposes?
2. We urgently require sight of the secondary legislation governing the Building Safety Act, a scheme that is due to start in earnest for construction projects in only two months.
 3. We need to see the specific regulations around secondary staircases – both through (we assume) a revised part B and a revised BS9991 – and hope that there is proper and thorough coordination across these regulations to avoid further confusion.
 4. We need clarity on the process for implementation of the new requirements. Is this to be through revised guidance in the upcoming revision to Approved Document B volume 1 (rather than an amendment to the Building Regulations 2010)? If so, when will the Approved Document B update be published?
 5. We would like to know what the government's response is to the Infrastructure and Projects Authority (IPA) giving the Building Safety Regulator an 'amber' rating - "Successful delivery appears feasible but significant issues already exist, requiring management attention."
 6. It would be good to know if there was an appetite to consider a fire engineered solution to borderline cases, to prevent the wholesale viability of a project being halted by this approach. For example, could this requirement be phased based occupancy and associated risk "only on a single dwelling on the 6th floor, therefore fire sprinkler systems could provide the necessary evacuation period where only a small number of residents are evacuated from the top floor?"
 7. We would like to see coordination with other bodies on:
 - a. Whether to mitigate the loss of residential space to accommodate a second staircase and views on allowing more height to offset this.
 - b. The impact on viability, and hence on the delivery of Affordable Housing
 - c. Mechanisms to provide more grant funding to replace Affordable Housing that is lost though the reduction in floor space or via challenges over viability.
 - d. Coordination alongside other design guidelines such as the London Housing Design Standards (or those applicable in other areas of

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England) – such as the number of dwellings per core (now double core), single aspect residential dwellings etc.

8. We note that the paper does consider potential of pressurised systems. We would like to know whether there are pre-approved systems that DLUHC / Building Control bodies can recommend or whether DLUHC is working on or supporting new, innovative systems.
9. We need to know what is being done to address building safety in buildings that were / are being converted under permitted development rights.

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Impact of the current situation on the housing and construction sectors

The lack of technical specifications means that those designing or constructing tall buildings are not being given clear instruction on exactly what they need to do. They are also unable to make sensible evidence-based decisions on risk for themselves, because they are not clear on the core purpose of the two staircases.

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This leads into a wider concern the narrow focus on one or two staircases. It takes a lot more than two staircase for a building to be safe and – conversely - existing tall buildings with a single staircase can be safe, and are going to continue providing homes for people for the foreseeable future. It is critical that the government leads the way to a balanced and evidence-based approach to fire safety, and ensures that the second staircase issue does not become emotional or detract from wider building safety issues.

We are very concerned about the impact that these changes on the viability of projects for many of our members. Housebuilders – including social landlords - are being faced with the option of significantly reducing the number of new homes they provide and/or facing a significant cost increase to allow for an additional staircase. One social landlord has told us the announcement of the 18m height limit has added an additional 38 blocks to their list of projects in the active design pipeline, which are now being reviewed.

This could not be happening at a worse time for the housing and construction sector, where viability of housing and of firms in the housebuilding sector are strained to the point of breaking.

As a cross-sector organisation we are also critically aware of the interdependent nature of the housing sector. Manufacturers are reliant on construction companies to buy their products; construction companies need developers and local authorities to commission new housing and get building; the social housing sector is reliant on S106 agreements to build much of the badly-needed affordable housing. Issues such as this which cause a hiatus in building risk damaging the sector in ways from which it cannot easily bounce back.

We are aware that the government is keen to see as much housing as possible provided in urban areas, to avoid spreading into greenbelts or open countryside. High rise housing has a valuable contribution to make here – increasing density, helping create the vibrant communities we all want to see in our city centres.

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We would welcome the opportunity for further discussions and would or to convene a round table to bring our members from across the housing sector together with policymakers to discuss the issues raised here, and how they can be overcome.

Yours sincerely,



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