

DFS 19

## Legislation Committee No.1

### Response to the consultation on the Proposed Domestic Fire Safety (Wales) Measure

**Redrow Homes Ltd**

Dear Sirs,

I would like to take this opportunity to submit a response to the above proposal, on behalf of Redrow Homes Ltd.

Firstly, I should make it clear that we fully understand the desire to reduce the number of deaths resulting from domestic fires and the personal and commercial losses which occur following less severe events. I would like to emphasise Redrow's wholehearted commitment to the provision of homes for our customers which provide a high level of safety in all aspects, not least of which with regard to fire safety and we ensure that our homes are constructed in strict compliance with relevant Building Regulations including Part B " Fire Safety".

However, we do have a number of concerns relating to the supportive evidence contained in the Explanatory Memorandum presented by Ann Jones AM, dated 8 July 2010, which can be categorised as :

- Inadequacy of the statistical evidence presented in support of the assumption that the introduction of the proposed Measure would achieve the stated aim.
- Accuracy of estimated costs and benefit assumptions presented
- The cumulative impact of regulatory burden

I believe our concerns laid out below, effectively respond to the questions posed in Annex A of the consultation.

#### **Statistical Evidence**

The proposed Measure is aimed specifically at new build homes -

“ 3.2 The proposed Measure only applies to the construction of new residences, the conversion of an existing building to create one or more new residences, or the subdivision or amalgamation of existing residences. “

We do not consider that the statistical data presented throughout the Explanatory Memorandum is sufficiently focussed to accurately assess the benefit of the proposed Measure or its impact on the stated aims.

There is no differentiation in any of the fire statistics referred to, including those from the USA, which identifies whether specific reported fires affected newly constructed homes, refurbished homes or older existing stock. It therefore cannot be assumed that introduction of the Measure would

necessarily achieve the desired result (“ to reduce the incidence of death and injury from fires in newly created residences in Wales “).

le: **Fire Statistics Monitor Wales, Quarter 2 and 3 2009 –**

#### **“Glossary**

**Buildings** are defined as **all** buildings including those under construction, but excluding derelict buildings, or those under demolition. Prior to 1994 ‘buildings’ were referred to as ‘occupied buildings’.

**Dwellings** are defined as buildings occupied by households, excluding hotels, hostels and residential institutions. From 1988, mobile homes have been specifically **included** in the dwelling count. **In 2000, the definition of a dwelling was widened to include any non-permanent structures used solely as a dwelling, such as houseboats.** All analyses from 1994 to 1998 relating to dwellings were retrospectively revised to include the new categories of dwellings. “

It is particularly important to note in this regard that incorporation of hard wired smoke alarms became a Building Regulation requirement in 1992. The benefits of smoke alarms are well documented and publicised by both the Fire Service and CLG in information primarily aimed at the retrofit, battery powered market. We would suggest that a more accurate picture of the potential for the proposed Measure to succeed would be provided by analysing fire events affecting properties subject to 1992 and post 1992 Building Regulations. This would also take into account the effects of successive refinements to Building Regulation Part B introduced in later revisions.

The statistical information provided also fails to distinguish between building types, tenure and specific location. These factors are widely recognised as being contributory factors to the incidence of fires, a point which is also made in the North Wales Fire Service draft “ Combined Improvement and Risk Reduction Plan 2009-2012 ”.

The more socially vulnerable groups which have been identified are least likely to be purchasing newly constructed homes on the open market and a more targeted approach based on more defined statistics may be necessary to achieve the stated aims of the Measure.

#### **Accuracy of estimated costs and benefits**

Paragraph 8.1 of the Explanatory Memorandum again make reference to non-specific statistical information as referred to above.

We should also like to question the basis of the assumption that property values are increased by the inclusion of fire suppressant technology as we have no information which provides support. It is far from conclusive that the findings of a five year old, North American homebuyers survey (The Home Fire Sprinkler Coalition ) provides an appropriate comparison, not only from the customer perspective, but also considering the differences of the predominant construction methods employed in both geographic regions.

Paragraphs 8.13/14 refer to “trade-offs” but no specific proposals or costings are detailed. This is important, as concluded by the research undertaken by BRE referred to below. (**BRE Report – Effectiveness of Sprinklers in Residential Premises 2005**).

Paragraph 8.16 seems to dismiss the report provided by Dwr Cymru with regard to the potential difficulties involved in supplying properties with water supplied suppressant systems and the Memorandum concludes “such costs are not assumed to have a significant impact in Wales. “ We would request that the reasoning behind this assumption is made clearer.

Paragraph 8.17 dismisses the cost information provided by the Community Housing Cymru Housing Association as appearing “excessive in comparison with all other estimates”, however, they are more

in line with conclusions made by CLG reports which cast doubt on the cost effectiveness of installing sprinkler systems , ie: ( **A Cost Benefit Analysis of Options to Reduce the Risk of Fire and Rescue in Areas of New Build Homes Fire Research Series 1/2010** – The Executive Summary states “The limited and uncertain evidence for installing domestic sprinklers in new social housing suggests that sprinklers may be cost-effective in some cases. It may therefore be appropriate for providers of new social housing to consider sprinklers on a case-by-case basis. However, the cost benefit evidence from this study does not support the mandatory installation of sprinklers in all housing or social housing in the Thames Gateway. The benefits from installing sprinklers in social housing would be reduced in particular by the current government planning policy of mixing social and private housing, as the scope for FRS savings would be reduced where both housing types share the same FRS resources.

Beyond the discrete policy options examined in this report, it is of course possible that some combination of fire prevention measures, such as targeting domestic sprinklers in social housing, smoke alarms, education, or other measures at the highest risk areas would provide more net social benefit than any one single measure.”

It should be noted that the CHCHA figures are the only **actual** costs referred to as evidential. The others being only estimated costs.

Another source quoted by the Memorandum repeats the same findings :-

#### **BRE Report – Effectiveness of Sprinklers in Residential Premises 2005 –Executive Summary-**

“ The main findings of the project are

- Residential sprinklers are probably cost effective for residential care homes (old persons, children and disabled person care homes)
- Residential sprinklers are probably cost effective for tall blocks of flats (eleven storeys or above).
- Residential sprinklers are not cost effective for other dwellings “

Paragraph 8.18 refers to the requirement of maintenance and costs arising. Within the statistical information and supportive reports referred to within the Memo, there are a number of references to fires which caused excessive damage or injury, as a result of smoke alarms which did not function. Without further detail it is impossible to conclude whether these incidents resulted from inadequate maintenance, flat batteries etc., or from other causes, but it is clear that an effective maintenance regime for fire suppression systems is equally important for their successful functionality. There is no guarantee that home owners will adequately maintain such a system, anymore than they are prepared to maintain other essential services within their homes.

#### **Cumulative impact of regulatory burden**

The Welsh Assembly Government’s pioneering approach to sustainable development has already set standards above those employed across the remainder of the UK and published proposals for requirements going forward, such as the proposed building regulation standards for 2013, reinforce that position, but the cumulative impact on development viability appears to have been neglected.. Estimated costs for meeting these requirements are significant and have been well publicised following research on behalf of CLG by Cyril Sweete and latterly by the Zero Carbon Hub. Furthermore, the proposals and standards due to emerge shortly for the construction of Sustainable Urban Drainage and associated surface water systems in response to the Flood and Water Management Act 2010 are as yet unknown, but are expected to add to the burden.

We respectfully request that the cost associated with the proposed Measure is not considered in isolation, but should be taken in context with all impacting regulation and contributions sought through the normal planning process.

The customer's ability and willingness to pay a premium for a home fitted with a fire suppressant system is open for debate. Consequently, as surmised by the Explanatory Memorandum, land values will be expected to absorb the additional cost. We are fast reaching a situation where the cumulative cost impact makes development unviable and land owners will be discouraged from selling. This in turn, will impact the ability of the industry to deliver the volume of new homes desired to meet demand and will reduce the contribution to other community funding made through privately funded S106 provisions, as has already been witnessed by many local authorities during the recent downturn.

## **Conclusions**

- The Measure is aimed entirely at new build residences or properties which will undergo refurbishment/conversion.
- The statistical evidence provided is too generalised and insufficiently focused to support the assumption made that the Measure will deliver against its objective. A significant amount of further research is required to establish this. Furthermore, there is no recognition of the improvement in performance of modern homes, particularly post 1992 over the remainder of the housing stock.
- Evidence used to support cost assumptions has been taken from foreign sources which do not necessarily directly compare with construction, regulations or customer attitudes in Wales and the conclusions drawn do not correspond to cost benefit analyses undertaken and published on behalf of CLG. We would suggest that further appropriate research is necessary.
- Actual delivery cost data has been dismissed and more weight has been given to estimates which support the principle of the Measure. Additional, real cost data is required.
- The views of Dwr Cymru regarding the potential difficulties in providing adequate water supplies have been dismissed. This needs further investigation.
- Many assumptions have been made about costs and benefits and the impact on overall development viability has not been considered within the context of cumulative regulatory costs.

In summary, we do not feel that the evidence provided conclusively supports the assumption that introduction of the Measure will reduce the incidence of death and injury from fires in newly created residences in Wales and significantly more research is required to accurately target any such measure to achieve the desired outcome.

Furthermore, the cost of introducing the Measure has been considered in isolation from other growing regulatory demands and is reliant on estimates and assumed, but undefined trade-offs. This lack of real cost data and the resulting uncertainties raise further concerns over the future viability of development land against a background of cumulative regulatory impact, and this in turn may impact upon volume delivery of new homes in Wales and the associated privately funded contributions derived through the planning process.

Yours Faithfully

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