

Mick Antoniw AS/MS  
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad  
Counsel General and Minister for the Constitution



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: OQ57232

Rhys ab Owen MS  
Member of the Senedd for South Wales Central

[Rhys.abOwen@senedd.wales](mailto:Rhys.abOwen@senedd.wales)

06 December 2021

Dear Rhys ab Owen

During oral questions I committed to sending you a response as to whether there was a legal reason why the ban on combustible cladding did not extend to buildings below 18m.

Whilst there is no direct legal prohibition on the height of a ban, all decisions relating to the extent of the ban need to be supported by clear evidence, robust justifications and subject to public consultation.

The public consultation which set out our intention to ban combustible cladding on certain buildings above 18m in height ran 19 July to 13 September 2018. As a result of the consultation the buildings in the scope of the ban was widened to include hospitals, however there was not sufficient evidence to justify an amendment to the 18m threshold where the ban applied. The Building (Amendment) (Wales) Regulations 2019 were made in accordance with the outcome of the consultation.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@gov.Wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The consultation proposed a height of 18 metres for the ban on combustible cladding. A height of 18m in Building Regulations, we understand, is historically linked with the reach capability of fire and rescue service equipment. It however represents a threshold where building design changes. For example there are also other requirements that are relevant above the 18m height such as;

- i. The provision of fire protected lobbies or corridors where a building has a storey height of more than 18m;
- ii. The flights and landings of every escape stair should be constructed of materials of limited combustibility if it serves any storey having a floor level more than 18m above ground or access level;
- iii. Buildings with a floor at more than 18m above fire and rescue service vehicle access level should be provided with firefighting shafts containing firefighting lifts

We are aware of the calls for a lower threshold, however amendments should be supported by evidence. The UK Government are conducting a review of various parts of fire safety and my officials are engaged with their counterparts over the outcomes of this work.

Yours sincerely,

A handwritten signature in blue ink, reading "Mick Antoniw". The signature is written in a cursive style with a horizontal line underneath the name.

**Mick Antoniw AS/MS**

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad  
Counsel General and Minister for the Constitution