

Real Estate:UK response to MHCLG's consultation - Review of Approved Document B: Fire safety guidance

Prepared and submitted by

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Real Estate:UK

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We support thriving communities across the UK through the homes, workplaces, critical infrastructure such as logistics and data centres, and retail and leisure centres our members build, maintain and operate.

RE:UK welcomes the opportunity to respond to the review of Approved Document B. Our members strongly support the objective of improving fire safety and increasing clarity within the regulatory framework. However, members also emphasised the importance of ensuring that the guidance remains proportionate, supports innovation and modern methods of construction, and provides sufficient certainty and flexibility for those seeking to demonstrate compliance through both prescriptive and performance-based approaches.

Consultation question 9: Do you agree that Approved Document B should include a threshold above which the guidance should not be used when combustible elements of structure are used?

Members recognised the need for additional scrutiny where combustible structural elements are proposed in taller buildings. However, concerns were raised that the practical effect of the proposal may be to discourage timber construction and other innovative construction approaches, even where robust fire engineered solutions can demonstrate equivalent or enhanced safety outcomes.

Members emphasised that Approved Document B should remain guidance rather than becoming, in practice, the only accepted route to compliance. There was concern that the proposed approach could unintentionally constrain modern methods of construction and reduce

investor confidence where there is uncertainty over whether alternative approaches will be accepted by regulators.

Consultation question 10: Do you agree that the 11m threshold is appropriate?

Members expressed concern that a rigid threshold may create unintended barriers to innovation, particularly for mass timber and hybrid construction approaches.

Several members noted that the key issue is not solely the height threshold itself, but the absence of clarity around acceptable alternative compliance pathways above the threshold. Without greater confidence that fire engineered solutions will be consistently assessed and accepted, the proposed threshold risks becoming a de facto prohibition rather than a trigger for enhanced scrutiny.

Consultation question 11: Do you have any comments on the draft guidance text?

Members highlighted the importance of ensuring the guidance clearly distinguishes between prescriptive routes and performance-based design approaches.

It was suggested that the guidance should:

- provide clearer articulation of the intended performance outcomes
- better explain how BS 9991 and related standards interact with Approved Document B
- provide greater clarity on the circumstances in which alternative fire engineered approaches may be considered appropriate

Members also stressed that the effectiveness of the guidance will depend heavily on consistent interpretation and application by building control bodies and the Building Safety Regulator.

Consultation question 12: Do you agree that section 10 (Approved Document B volume 1) and section 12 (Approved Document B volume 2) would benefit from being updated and clarified?

Yes.

Members broadly support efforts to improve clarity within Approved Document B, particularly in relation to external wall systems and combustible materials. However, discussion highlighted that inconsistency in interpretation and application remains a significant issue across the sector.

Consultation question 13: Do you agree that the updated guidance provides greater clarity?

Members considered that additional clarification is welcome, but there remains concern that, in practice, Approved Document B is often treated as the only acceptable route to compliance rather than one means of demonstrating compliance with the Building Regulations.

Members noted that greater clarity is still needed around:

- expected performance outcomes
- the interaction between Approved Document B and other standards
- the acceptance of alternative compliance routes and fire engineered solutions

Consultation question 13a: If you disagree, or have further comments on the clarity of the text, please provide any views and evidence on how the guidance could be further clarified or improved.

Members suggested that further clarity could be provided by:

- more clearly defining the relationship between Approved Document B, BS 9991 and other relevant standards
- setting out clearer expectations regarding performance outcomes
- providing greater transparency around the assessment and acceptance of alternative fire engineered approaches
- ensuring the guidance does not unintentionally discourage innovation or modern methods of construction

There was also concern that inconsistent interpretation by regulators and building control bodies can create uncertainty for developers, designers and investors, particularly on complex or higher-risk buildings.