

# Royal Institute of British Architects

Department for Levelling Up, Housing and Communities:  
Consultation on the Higher Risk Buildings (Descriptions and  
Supplementary Provisions) Regulations  
July 2022

The Royal Institute of British Architects is a global professional membership body driving excellence in architecture. We serve our members and society in order to deliver better buildings and places, stronger communities and a sustainable environment. Being inclusive, ethical, environmentally aware and collaborative underpins all that we do.

The Royal Institute of British Architects (RIBA) welcomes the opportunity to respond to this consultation. We are committed to assisting the Government in delivering the well-designed, sustainable, safe buildings that the country needs.

Since the devastating fire at Grenfell Tower in Kensington, London in 2017, we have been working with the Department for Levelling Up, Housing and Communities and other key stakeholders to promote the importance of fire safety in good design.

**Question 1: We have proposed to align with the Building Act 1984 and define building as including any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. Do you have any concerns about this definition?**

Yes.

**Question 1A: Please provide an explanation for your answer to question 1.**

The Building Act definition does not reference excluding plant or machinery comprised in the building. The RIBA recommends that the definitions should be aligned.

**Question 2: Would you like to provide any comments on this proposal?**

The RIBA welcomes the proposal to include care homes and hospitals in the higher risk building definition.

**Question 3: Would you like to provide any comments on this proposal?**

The RIBA welcomes the proposal to include care homes and hospitals in the higher building definition. However, we suggest that this should include buildings 11 metres in height. (See response to Question 14A).

**Question 4: Would you like to provide any comments on this proposal?**

The RIBA recommends that secure residential institutions and temporary leisure establishments should also be included in the definition of higher risk buildings.

**Question 6: Would you like to provide any comments on this proposal?**

The RIBA recommends that care homes and hospitals be included in the in-occupation phase of the new regime.

**Question 7: Would you like to provide any comments on this proposal?**

The RIBA recommends that secure residential institutions and temporary leisure establishments be included in the in-occupation phase of the new regime.

**Question 12: Would you like to provide any comments on this proposal?**

The RIBA recommends that temporary leisure establishments should also be included in the definition of higher-risk buildings.

We suggest a minor amendment to the proposed definition of ‘temporary leisure establishment’: A hotel or similar establishment which offers serviced overnight accommodation ~~for the purpose of leisure~~ (we propose omitting the word leisure as it is not relevant).

**Question 14: Do you agree our proposed method for determining the height of a building is the right one?**

Partly

**Question 14A: If no or partly what changes do you suggest or what alternative method would you suggest?**

While the RIBA agrees with the proposed method of determining height, we do not agree with the proposed height of 18 metres. We suggest that the definition of a higher risk building should be where the top floor is more than 11m above ground level.

The Approved Document B (Volume 1) was amended in May 2020, to require sprinklers and other fire safety measures in dwellings with a storey at least 11 metres above ground level. These changes and proposals clearly indicate that dwellings and buildings with a room for residential purposes, with a storey at least 11 metres above ground level, are considered higher risk.

Above 11m is the point at which fire and rescue services are typically no longer able to rescue persons from the exterior of the building and are reliant on the interior protection measures of the building for escape and firefighting.

**Question 14B: Do you think there are any potential issues with our suggested method for determining height?**

No

**Question 15: Do you agree with following the approach we have set out for determining storeys?**

Partly

**Question 15A: If no or partly please provide an explanation for your answer.**

The RIBA does not agree with the proposed number of storeys which defines what is a higher risk building. We suggest that a building of five storeys and above should be the definition of a higher risk building.

In addition, the definition of below ground storey needs to be more concise, in particular, its reference to ceilings: 'a storey is treated as below ground level if any part of the finished surface of the ceiling of the storey is below the ground level immediately adjacent to that part of the building'

**Question 15B: What alternative approach to determine the number of storeys in a building would you suggest?**

We propose replacing 'finished surface of the ceiling' with the following: 'underside of the horizontal separating element' (i.e., floor slab).

**Question 15C: Please explain why you have suggested we make these changes?**

Because a ceiling system doesn't have a significant role for horizontal fire separation, unlike the structural slab.

**Question 17: What do you consider to be the equalities impact on individuals with protected characteristics of any of the proposed details to be included in the regulations? Please give reasons and any evidence that you consider relevant.**

Buildings must be designed for all users, including those with protected characteristics. The building safety regime, therefore, must protect the most vulnerable in our society. Amending the height definition to where the top floor is more than 11m above ground level, or a building is five storeys and above (whichever is reached first), is vital to reducing the number of buildings where a catastrophic event could cause multiple fatalities.