Improving Safety in High Rise Residential Buildings in Northern Ireland



Report of the Expert Panel for the Building Safety Programme Northern Ireland

































Representatives from the organisations above were involved in the completion of this report.

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Foreword

It is now more than 5 years since the tragic fire at Grenfell Tower: an event which demonstrated the need to take fire safety seriously. Although later in commencing than the enquiries and research exercises in Wales, Scotland, England and the Republic of Ireland, this review has identified similar failings, both in the overall system of approval, regulation, control and enforcement, and in individual elements that contribute to safety in high rise residential buildings. Echoing both Dame Judith Hackitt's final report of 2018 and the views expressed by Minister Julie James in 2021, the work of the Expert Panel has revealed specific issues that need to be addressed, alongside wider systemic failures, gaps in provision and knowledge, and organisational discontinuities. Even though no deaths have occurred in high rise residential buildings in Northern Ireland during the past five years, there have been a number of serious incidents or 'near misses'.

These incidents could easily have resulted in fatalities or serious injuries. Examples of 'near misses' include the fires at the Obel Tower (May 2013 and November 2022), Coolmoyne (November 2017) and Ross House (November 2022). Irrespective of the good recent record of fatalities and injuries associated with fire safety in high rise residential buildings, there is an urgent need to overhaul and enhance the entire safety regime.



Professor Peter Roberts OBE

The Expert Panel is unanimous in advocating the adoption and application of the Life Safety Principle. Life Safety has to be the watchword that guides the implementation of the recommendations contained in this report.

Although it is easy to advocate the use of the Life Safety Principle, changing culture, attitudes and behaviours is difficult (especially in a testing economic environment). However, it is essential to alter the culture, attitudes and behaviours of everyone associated with high rise residential buildings, including developers, professionals, owners and regulators.

Rather than regarding compliance with existing and future regulation as a burden, it is essential that all concerned strive for the best quality of building safety that can be achieved: attitudes and behaviours need to change from a 'race to the bottom' to a 'climb to the top'.

In determining what buildings are 'in scope' in Northern Ireland, our investigations have identified two other types of building that should be treated in the same manner as high rise residential buildings: health and social care residential buildings and mixed use buildings with a residential component. The former buildings house vulnerable people who require a high level of protection from harm, while the latter buildings present the same risks to residents as high rise residential buildings. Other recommendations, such as the fitting of heat and smoke alarms, should be applied to all residential buildings.

The Panel found it a challenge to try to define how many high rise residential buildings were 'in scope' in Northern Ireland. Definitions of high rise residential buildings vary as do legal interpretations or technical methods of measurement. It was agreed to classify all buildings above 11metres or four floors in height as 'in scope' high rise residential buildings. The Panel also found that there was no definitive database of high rise residential buildings in Northern Ireland. As а the Panel commissioned consequence, research and to date 280 buildings have been identified as 'in scope'.

Having defined and quantified the stock of buildings 'in scope', the Panel identified the strengths and weaknesses evident in the current system for the approval, construction, use and regulation of such buildings.

Nine key issues were identified that reflect failures in the existing system:

 The dispersed and fragmented nature of responsibility for fire and other aspects of safety; no fewer than six departments of central government are involved in such matters and no single department provides strategic policy clarity, leadership or overall co-ordination.

- The lack of a central source of information and knowledge about the number, type and condition of high rise residential buildings: this weakness has been partly rectified through the work of the Panel, but the database requires a permanent means of updating.
- The view that some actors accept compliance with minimum standards as the norm; this is the 'race to the bottom' attitude.
- Equally, an attitude among other actors that improvements to the current regulatory and compliance regime should not hinder economic growth or require the allocation of additional resources.
- In parallel with the above points, the absence of a 'whole of building' approach that regards the whole building as a complex system and manages it as such.
- The presence of gaps in terms of information and knowledge about individual buildings; there is no single system for recording the initial characteristics of a building and any subsequent management action or modification - there is an urgent need to establish, maintain and make available for scrutiny a 'golden thread' of such information.
- Equally, there are gaps in the delivery of functions necessary to ensure the safety of residents in high rise residential buildings (especially in the absence of a Health &

Safety Executive role in NI in residential buildings), together with a lack of sufficient resources to discharge regulatory functions.

- Reflecting the above point, there is a need to enhance the competence of many of the actors involved with high rise residential buildings; this requires better skills, training and a regulatory approach to competence to be established.
- There is no agreed single (central) system for risk assessment, management and ownership; these functions are dispersed throughout the public and private sectors and are undertaken, if at all, with varying degrees of competence and enthusiasm.

Moving beyond the analysis of strengths and weaknesses, our recommendations are framed within a model that places emphasis on six key principles. These principles have been developed with the overarching requirement to put safety first (the Life Safety Principle) and to ensure that residents of high rise residential buildings are assured of their safety in an manner and at a standard equal to that afforded to the citizens of Wales, Scotland, England and the Republic of Ireland. Learning from these other regimes, and acknowledging that Northern Ireland has a relatively small stock of high rise residential buildings, our recommendations are aimed at putting Northern Ireland at the leading edge of practice.

The six principles that have guided our recommendations are:

I. That a culture of Life Safety be established among all actors

concerned with high rise residential buildings: this culture should reflect all aspects and activities associated with fire and other aspects of safety.

- II. That a much better and consistent system for establishing and maintaining all records related to a high rise residential building is put in place (the 'golden thread'), alongside other systems of recording relevant information, such as a central register of high rise residential buildings.
- III. That there is a need to identify, assess and register competent persons responsible for the regulation, development and management of high rise residential buildings, and that training, registration and continuing professional development regimes are put in place to ensure that competence is tested, recorded and refreshed as necessary.
- IV. That high rise residential buildings are considered as complex systems that should be designed, constructed and managed as an entity.
- V. That an 'integrated approval gateway' system should be introduced to provide assurance that all necessary checks, approvals and revisions are in place at each stage of development.
- VI. That a re-organisation, redefinition and better focused system of public policy formulation, application and practice be put in place.

A number of recommendations require immediate action, especially recommendations 1, 2 and 10. Some recommendations are very urgent, while others are urgent, but require further research, discussion and deliberation prior to action.

Two final matters have exercised the Panel. The first is the need to establish a public body charged with the co-ordination of public policy action and the regulation of building safety. Given the current fragmented nature of the system of control and regulation in Northern Ireland, the creation of an 'Office for Building Safety', which falls under the responsibility of a single central government department, is a matter that should be given immediate attention. This takes me to the second point: the need to continue the work of the Panel. This work should be undertaken by a dedicated Interim Team, using specialist task and finish groups.

All of the issues that the Panel has identified, as well as our recommendations, have been put into stark perspective by a recent statement made by Michael Gove (Secretary of State for Levelling-up, Housing and Communities). He said that "faulty and ambiguous" government guidance was partly responsible for the Grenfell Tower tragedy and that lax regulation allowed the construction industry to "put people in danger in order to make a profit". The statement makes the recommendations made in this report even more important and urgent.

Although our report and its recommendations may present a substantial list of necessary actions, and require the allocation of additional resources to establish a safer, more rigorous regime for high rise residential buildings in Northern Ireland, we believe the findings and resulting recommendations are proportionate and necessary. To paraphrase my fellow countryman, David Lloyd George: you cannot cross a yawning chasm in small steps, sometimes you need to take a giant leap. This is what is required to make high rise residential buildings in Northern Ireland safe and fit for the future.

Professor Peter Roberts March 2023

1. Executive Summary

- 1.1 In December 2021, the Northern Ireland (NI) Executive agreed to the Department of Finance (DoF) establishing an Expert Panel (hereafter referred to as 'the Panel') to consider the roles and responsibilities between central and local government in relation to Building Safety, and to make recommendations on the most appropriate delivery model, structures and legislative basis required to implement a robust building safety regime here.
- 1.2 In its <u>Terms of Reference, the Panel was asked</u> 'to make recommendations to improve the NI regime for building safety; ensure a robust future regulatory system and framework and to 'provide assurance to residents that the buildings they live in are safe'.
- 1.3 The Panel held its initial meeting in March 2022 and met 11 further times. The Panel received presentations from the Welsh, Scottish and UK governments, from the Republic of Ireland (RoI) and from the Royal Institution of Chartered Surveyors (RICS).
- 1.4 Recognising the landscape of High Rise Residential Buildings (HRRBs) differs across the UK and Ireland, the Panel 'mapped' the current system for approval, control and regulation across all stages of the design, planning, construction and occupation of residential buildings in NI. This identified significant ambiguities about where overall and specific responsibilities lie for residential building safety.
- 1.5 It was also identified that:
 - separation of responsibilities for building and fire safety across various NI central government departments and local government had contributed to a lack of progress in bringing forward the changes necessary to ensure citizens in NI are afforded the same standard of safety as residents in other parts of the UK; and
 - approval, control and sanction regimes exist, but they are insufficiently robust, can be circumvented, and do not effectively drive compliance.
- 1.6 The Panel agreed the following property types should be included in the scope of the recommendations (hereafter referred to as 'High Rise Residential Buildings'):
 - Private and public residential buildings more than 4 floors or over 11metres high;
 - Commercial buildings containing 2 or more dwellings and more than 4 floors or over 11metres high; and

- Health and Social Care residential buildings more than 4 floors or over 11metres high.
- 1.7 The Panel outlined the requirement for the new system to be proportionate, manageable and take account of wider objectives, such as the need to build a stock of high quality, safe homes.
- 1.8 The Panel's 15 recommendations are listed in Table 1 under the following headings:
 - Continuing the work recommended by the Expert Panel;
 - Culture and competency;
 - Structures and resources;
 - Processes, records and information;
 - Policy, legislation and guidance;
 - Implementation of Key Safety Measures; and
 - Assessment and remediation of existing stock of private residential high rise buildings.
- 1.9 While the Panel recognised the importance of implementing changes to strengthen and future-proof the regulatory system for building safety, members also expressed concerns around the absence of adequate resources to carry out existing duties in the current system. The Panel identified the need to resource appropriately an Interim Team to explore the recommendations further and take forward their implementation. It is also recommended this Interim Team is charged with establishing an Office for Building Safety (OBS) to provide a co-ordination role; help create an improved regulatory system; and introduce, and oversee, many of the changes recommended.
- 1.10 The Panel recognised there is a clear need to identify and formulate new legislation to fill existing gaps and provide greater coherence. The Panel highlighted the need for a future legislative programme to be comprehensive, coherent and address inconsistencies in the current regulatory landscape. It is recognised that establishing new legislation will take time, however, the recommendations in this report outline the measures that should be progressed to introduce safeguards within the system in NI.

Recommendations 1, 2 and 10 require immediate action and from this a detailed timeline should be established for the implementation of the other recommendations.

1.11 The Panel Chair wishes to thank panel members and officials from other jurisdictions and professional bodies, who gave their time willingly to help share their valuable expertise and experience. These inputs assisted with the drafting of this report.

TABLE 1 – RECOMMENDATIONS

CONTINUING THE WORK RECOMMENDED BY THE EXPERT PANEL

This set of recommendations emphasises the importance of implementing this work as rapidly as possible, and to ensure sufficiently skilled resources are provided to support these activities.

- A full-time Building Safety Team (the Interim Team) should be established to develop further detail and a 'roadmap' for the implementation of the recommendations in this report, including the establishment of an 'Office for Building Safety' (OBS). The 'roadmap' (to include a timetable for the completion of the necessary actions) should be developed within 3 months of the Interim Team being established.
- 2. Adequate resources (financial, people, etc.) should be allocated providing appropriate knowledge, skills, expertise, and support services to implement the recommendations in this report, including the use of external specialists or the establishment of Task and Finish groups as required.

CULTURE & COMPETENCY

This set of recommendations is about ensuring the Principle of Life Safety is given priority by improving culture and raising competency levels of all individuals and organisations (actors) involved in the procurement, design, approval, construction and management of HRRBs (hereafter referred to as the 'end-to-end process'). The recommendations are aimed at ensuring there is clarity of the roles, responsibilities and accountabilities of actors within the end- to-end process to ensure that only those with the appropriate competency levels can operate in this area.

3. Life Safety must be advocated and incorporated in the guidance and policies developed by the OBS to raise competencies and behaviours and improve the culture and attitudes of the actors involved in the end-to-end process.

4. The OBS should identify and define the roles, responsibilities and accountabilities, for the actors involved in the end-to-end process. The competence requirements and accreditations needed should then be mapped. A procedural approach should then be provided for specifying, recording and monitoring competency requirements and accreditations for all actors involved in HRRBs.

STRUCTURE & RESOURCES

This set of recommendations is concerned with providing an effective organisational structure, clear strategic direction and effective procedural control to support an integrated end to end process. Adequate financial, human and other resources should be allocated for the discharge of the necessary functions.

- **5.** The OBS should endorse the view that a HRRB is a complex system that needs to be treated as 'one overall entity' and is resourced appropriately. The functions of the OBS should include, but not be limited to:
 - a. providing oversight and coordination of fire and building safety matters related to the end-to-end process;
 - **b.** driving clear strategic policy direction, leadership, continuity, guidance and support for fire and building safety matters;
 - c. forming a close working relationship with appropriate public bodies and central government departments in other jurisdictions; and
 - **d.** continually reviewing and researching, as necessary, other subjects which could impact positively or negatively on fire and building safety matters (e.g. electric vehicle parking/charging in HRRB underground car parks).
- 6. There are synergies in central and local government, such as, those between planning policy, building regulations, health and safety, environmental health and planning and building control functions in local councils. If changes are identified that enhance the effectiveness of the regulatory system for HRRBs, the OBS should work with local and central government to facilitate collaboration and align functions were necessary.

PROCESSES, RECORDS & INFORMATION

This set of recommendations is made to ensure information regarding the number and location of HRRBs is held and kept up to date. The recommendations are also concerned with implementing a robust oversight gateway system to ensure the control and coordination of matters related to fire and building safety in the end-to-end process.

- 7. The Interim Team should collaborate with Land and Property Services (LPS) to establish and maintain a public register of HRRBs. The OBS should hold up-to-date information on HRRBs and details of building owners/managers.
- 8. The OBS should establish a robust oversight gateway system covering the control and coordination of the end-to-end process. This system should include a series of integrated 'approval gateways'. Approval to proceed through the approval gateway is required for any new build HRRB, or existing HRRB which is subject to alterations (defined by the OBS as 'significant alterations' in consultation with Planning and Building Regulations/Building Control). The work associated with designing this oversight gateway system should consider matters such as:
 - a. identifying and addressing weaknesses, duplications and gaps in the current overall regulatory system;
 - b. identifying the deliverables which the OBS needs to control and coordinate receipt of, as an 'overseer' in the end to end process;
 - c. identifying, agreeing and implementing approval gateways in the end-to-end process, clearly indicating when such deliverables should be submitted to the OBS before work can continue;
 - d. defining any additional inspection or certification regimes or roles required (without diminishing any liabilities, accountabilities or responsibilities already carried by any actor in the regulatory process or through any other contractual obligations);
 - e. establishing a strategy for the notification of changes a 'change control mechanism' that deals with changes specific to those defined as 'significant' for HRRBs by the OBS, and different from other statutory requirements of planning or building control;
 - f. establishing a strategy for the management of HRRBs in occupation, including the consideration of building safety cases, resident engagement strategies, risk assessments, and others as required; and
 - g. to clarify the responsibilities of actors throughout the end-to-end process to ensure the 'golden thread'¹ of building record information is maintained for HRRBs.

¹ The 'golden thread' covers both the information and documents and the information management process (or steps) used to support the management of building safety. This information should be passed across building owners to underpin more effective safety management throughout the building's life cycle.

POLICY, LEGISLATION & GUIDANCE

This recommendation is concerned with ensuring the adequacy of policy for fire and building safety matters in HRRBs and the need to identify amendments or new policy and the associated legislation required.

- **9.** The OBS should review existing policies, legislation and guidance to identify any amendments needed and any new policies, legislation and guidance required to enable the end-to-end process. This should be carried out by collaborating with the central government departments responsible for these policies, legislation and guidance to:
 - a. remove duplication in the current control and regulation of HRRBs;
 - b. clarify what amendments to current guidance, policies or legislation is required to strengthen the current regime for HRRBs;
 - c. identify where new guidance, policy and legislation is required and work with the relevant department to develop this; and
 - d. review and approve any proposals for amendments to existing legislation, regulations or guidance, that are currently in-train or under consultation.

IMPLEMENTATION OF KEY SAFETY MEASURES

This set of recommendations identifies ways of implementing a number of safety measures in dwellings and HRRBs. These recommendations can be progressed by changes to existing legislation.

10. Introduce a mandatory requirement for smoke and heat alarms to be installed in all **existing dwellings**, similar to the approach implemented in Scotland.

11.Consider the introduction of appropriate fire suppression systems, such as sprinklers, in new HRRBs. A cost-benefit analysis should be completed prior to the implementation of the recommendation.

12. Carry out a review of whether two or more escape staircases are required in new HRRBs. A cost-benefit analysis should be completed as part of this review.

ASSESSMENT & REMEDIATION OF EXISTING STOCK

This set of recommendations deals with the assessment and remediation of Life Safety issues in the existing stock of HRRBs in NI.

13. An application to remediate one building, with unsafe Aluminium Composite Material (ACM) Cladding fitted, has been received by the Department of Finance. The remediation works should commence in April 2023. This is supported by the Expert Panel.

14. The Department for Communities (DfC) is developing a potential scheme for NI, using the model of the English Building Safety Fund, to assess, and potentially fund, remediation required to buildings in NI fitted with unsafe non-ACM cladding. This Panel considers that this work should be expedited urgently.

15. Establish a strategy to define the requirements for assessment, funding and remediation of life safety issues in existing HRRBs that may have additional vulnerabilities and problems that need to be rectified.

2. Background

- 2.1 Dame Judith Hackitt's <u>Interim</u> and <u>Final Reports</u> on Building Safety in England concluded that the current overall system of building and fire safety is not working effectively and needs to be overhauled. Dame Judith described a system lacking rigour and accountability which did not support a safety-focused culture at all stages of the lifecycle of a building.
- 2.2 While the Northern Ireland (NI) system is different in some aspects to that in England, the Panel agreed with the broad relevance of these observations to the current NI system.
- 2.3 Following the Grenfell tragedy, several cross-departmental working groups were established to discuss the NI response to Dame Judith Hackitt's reports and the subsequent development of the Building Safety Bill. These discussions identified significant ambiguities about where overall and specific responsibilities lie across NI government for private residential building safety matters.
- 2.4 The view at that time was that separation of responsibilities for building and fire safety across various NI central government departments and local government had contributed to a lack of progress in bringing forward the changes necessary to ensure citizens in NI are afforded the same standards of safety as residents in other parts of the UK.
- 2.5 In December 2021, the NI Executive agreed to the Department of Finance (DoF) establishing an Expert Panel to consider the roles and responsibilities of central and local government in relation to Building Safety, and to make recommendations on the most appropriate delivery model, structures and legislative basis required to implement a robust building safety regime.
- 2.6 The Panel's agreed <u>Terms of Reference</u> included a commitment: 'To make recommendations to improve the NI regime for building safety; ensure a robust

future regulatory system and framework'; and 'provide assurance to residents that the buildings they live in are safe'.

- 2.7 The Panel was chaired by Professor Peter Roberts, former Chair of the NI Housing Executive. Details of Expert Panel members are included in the <u>Terms</u> of <u>Reference</u>.
- 2.8 The Panel held its initial meeting in March 2022 and met 11 further times. The Panel agreed with Dame Judith's view that fundamental, systemic change is required and that reform should occur in a considered and coherent manner which avoids 'cherry-picking' the easy to do measures at the expense of the longer-term actions required.
- 2.9 To meet its overall objectives, the Panel agreed to address three key issues and tasks:
 - clarify the current arrangements for building safety and assess their adequacy to meet the strengthening standards required – this required "mapping" the current building and fire safety regulatory system for highrise residential buildings and the identification of any weaknesses;
 - II. examine in detail the elements or components of the current building and fire safety regulatory system for high-rise residential buildings and identify any weaknesses and possible methods of enhancement; and
 - III. develop both elemental enhancements of the building and fire safety regulatory system and, more significantly, an improved overall regulatory framework – this would provide a better, more comprehensive, fully integrated and more easily understood "map" of the entire system.

3. The Current NI High Rise Residential Building Landscape

- 3.1 The Panel agreed that residential buildings with more than 4 floors or above 11metres high would be included in the scope of the work of the Panel. The first task for the Panel was to compile a definitive register of potential residential buildings over 11m in NI. The initial lists of buildings received from LPS and the NI Fire and Rescue Service (NIFRS) were supplemented through a survey of buildings conducted by the NI Housing Executive (NIHE).
- 3.2 The lists were verified following consultation with each local council. This process resulted in a number of buildings being added or removed from the list (due to demolition). At the end of December 2022, the NI high rise residential building landscape comprised of 280 buildings over 11m, with 110 of these buildings being over 18m (in comparison, England has some 12,500 residential buildings over 18m). Table 2 below shows the split of the NI buildings between public and private ownership.

Table 2

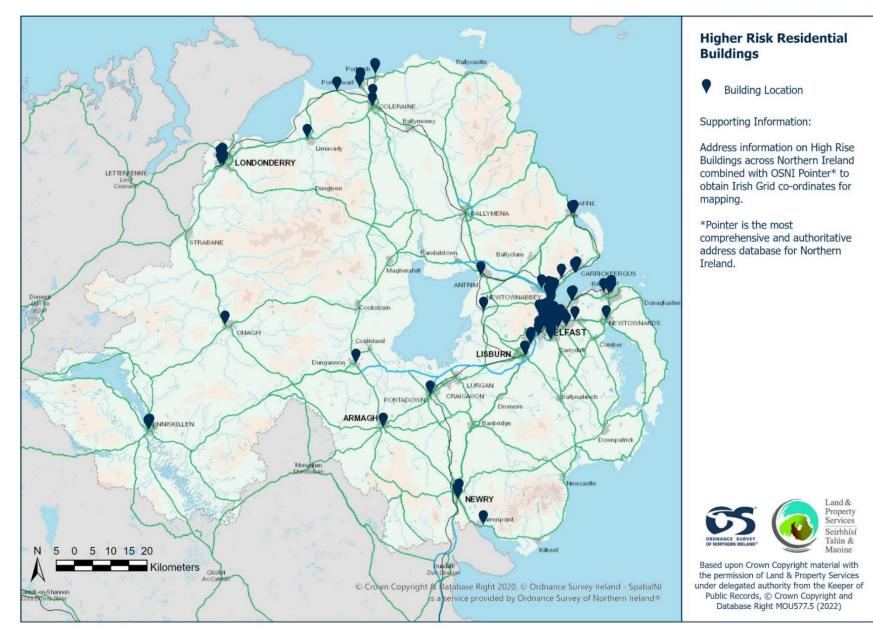
Building Height	Private ownership	Public ownership	Total
> 11m	176	104	280
> 18m	65	45	110

3.3 The majority of HRRBs are located in Belfast City Council area, as demonstrated in Table 3 below and as illustrated by the map in Figure 1.

Table 3

Council Area	Number
Belfast City Council	173
Derry & Strabane District Council	22
Causeway Coast & Glens Borough Council	15
Ards & North Down Borough Council	13
Antrim and Newtownabbey Borough Council	12
Fermanagh & Omagh District Council	12
Mid & East Antrim Borough Council	12
Lisburn & Castlereagh City Council	10
Newry, Mourne and Down District Council	6
Armagh City, Banbridge & Craigavon Council	4
Mid Ulster District Council	1
TOTAL	280

FIGURE 1



- 3.4 Although the current number of buildings in NI above 11m is relatively small, these numbers are likely to increase significantly over the next few years. For example, Belfast City Council has declared the intention to increase the population of the city by 65,000 by 2035, which would mean the construction of approximately 30,000 new homes. To meet this target, it is likely that many new homes will be in buildings greater than 11m. The Panel therefore recognised the need to develop a regime which addresses issues with existing and future high rise stock.
- 3.5 To understand the current system and identify necessary improvements to strengthen the building safety regime in future, the Panel carried out a review of specific elements of the end-to-end process. This included:
 - a review of building control, processes and procedures;
 - a review of the policies, processes and procedures associated with both NIwide and local council planning functions;
 - an assessment of the responsibilities and activities of the Health & Safety Executive NI (HSENI) relating to HRRBs;
 - a review of the role, processes and procedures associated with the environmental health function in local government;
 - an assessment of the wider features and characteristics of building design, products and materials related to fire safety; and
 - a number of reviews of legislation, practice and research associated with fire safety and other safety issues elsewhere in the UK and more widely.
- 3.6 The review concluded with the production of a systems diagram (Diagram 1 below) which shows that, in NI, six central government departments and 11 local councils have legislative or operational responsibility for various parts of the system for the approval, regulation and management of HRRBs. The analysis of the current system also identified linkages between oversight of the planning approval process for considering and approving HRRBs and the system of building control. In particular, concerns exist with regard to the need to strengthen procedures where changes are made to the design of a HRRB after planning approval is given; where changes or substitutions are made to the materials used during the construction and occupation stage; and where significant alterations are made to an existing HRRB.

DIAGRAM 1 EXISTING REGUL	ATORY SYSTEM FOR THE	DESIGN, APPROVAL, CON	STRUCTION AND MAN	AGEMENT OF HIGH	RISE RESIDENTIAL BU	LDINGS (HRRBs) IN
SCOPE DEVELOPMENT			<u> </u>			MAINTENA
		DESIGN	DESIGN	I Cont'd		
				CONSTRUCTION		OCCUPATION &
N. C.		NT OF GROUP BUILDING CONTROL STAFF) ORDER NI 1994		'9 (AS AMENDED)		THE HOUSING (NI) ORDER 1992 - P DEFECTIVE PREMISES ORDER (NI) 197
	HEALTH & SAFETY AT V	WORK ACT (NI) ORDER 1978 CONSTRUCTION (DESIGN AN THE PLANNING NI ACT 2011	-	OCEDURE) ORDER (NI) 2015		2006, FIRE SAFETY REGULATIONS (NI)
Department for Economy (D/E) Health & Safety Executive NI Infrastructure Communities		t of Department for Local councils - Non-departmental	Department for Department for Department for Ecor Infrastructure (Dfl) Communities (DfE) Health & Saf	nomy Department for Department of De		Department for Department for Department for Communities Infrastructure (Dfl) Health (DoH)
(HSENI) - CDM regs. for (Dfl) planning (DfC) housing		fire safety control and - NIFRS (DoH), NIW	planning (DfC) housing Executive NI (HSE	NI) roads, water and building	lealth (DoH) planning, building Bodies (NDPBs) - NIFRS fire safety control and (DoH), NIW (DfI), NIEA legislation environmental health (DfC)	(DFC) housing roads, water and fire safety legislation drainage legislation legislation
Person or body wishes to construct a High Rise	Design Team continues with the Design Team continues				\rightarrow	
Residential Building (HRRB) Design Work commences	concept design and with the technical spatial coordination design.	Design Team will have individual responsibilities and liabilities, depending on the	Design works may not be complete,		There are always changes to the design during construction, which is due to	
Client/Developer/ Commissioner provides an	design further. Planning Application is submitted accompanied	procurement and contractual route chosen. There is no mechanism for any verification process to ensure quality of workmanship and	depending on the procurement and contractual route and whether the contract includes contractor's design	Changes/substitutions to construction materials and products can go unnoticed due	various reasons: technical design development; changes to the scope with further stakeholder/end user	
initial outline scope or brief for the project. seek planning	Design Team may consider outline Fire Strategy, but there by design and Access Statement if appropriate	that designs are compliant prior to commencing construction works.	for instance. There is also a possibility that approvals are not in place, given there is no mandatory requirement	to limited oversight and inspection roles and responsibilities.	engagement; changes to materials or construction methods, and ensuring	
Usually a Design Team is application appointed to help the person Discussion (PAD)	requirement Other Statutory	Planning Approval Decision Notice issued to the applicant or agent with conditions relating to	preventing construction works commencing.	Environmental Health Enforcement may be notified if there is a complaint, but	compliance with regulations, or simply to reflect market conditions or make further profit, etc. If there is no independent	
or body (client) to develop the scope of the project. Initial requested from	Authorities are consulted on the taken into account Planning Application –	roads, water supply and drainage, etc, not usually fire or safety. If pre-commencement conditions are included, they are to be	Competence and capability of the contractor and its team may only be	otherwise they have no role.	checking/inspections in place, changes during this stage may have negative implications which can be ignored, lead	There is no mandatory regulation of developers, building owners,
concept design proposals are developed by the Team. There is no mandatory requirement	with particular duty Dfl Roads, NIW, NIEA, holders having roles Env. Health, etc. and responsibilities. BUILDING CONTROL OR	discharged prior to commencing construction works.	checked on public sector projects at pre-Qualification Questionnaire (PQQ) or Invitation to Tender (ITT) stages.	Errors, changes or poor workmanship can go unnoticed due to limited oversight and	to unsafe compromise or go unnoticed .	management companies and landlords in association with fire
for clients to ensure appropriate competency of their appointed design team.	Client, Principal NIFRS WOULD NOT Designer and NORMALLY BE Designers having CONSULTED AT THIS	In Full Plans applications to Local Authority Building Control NI, Approval of Plans may be	There is no formal or mandatory process to check capability of	inspection roles and responsibilities.	Planning may not be advised of changes that affect Planning Approval Notice. The current planning process does not permit	or building safety responsibilities. There is no requirement for these
Client to appoint Principal of the project	responsibilities. The STAGE H&S File, but in NI,	granted prior to commencing construction works. However, there is no mandatory requirement preventing construction works	contractors building HRRBs.	A Fire Strategy may be in place,	significant changes. Only 'non material' changes through sections 67 and 'minor material' changes through section 54 of	actors to register a HRRB that they are responsible for.
Designer & Principal with the Client. Contractor under the CDM There may be Regs, however in NI, only several feasibility	this only covers Design Team considers workers on site the design and during construction compliance with	from commencing without Building Control Approval of Plans in place.	Construction works commence on site by a contractor	but there is no mandatory requirement to have one, the requirement is to comply with	the Planning Act (Northern Ireland) 2011 can be made. If changes are significant	There is no mandatory
workers are covered under designs or these regs. HSE NI do not have options at this a remit for the safety of stage.	or other works not Building Regulations the safety of and may have a Pre- occupants. application Discussion	Design Team continues with the technical design creating drawings for construction. There	There are no previous checkpoints to ensure approvals are in place and the design is compliant for fire or other	fire elements of building regulations or provide other methodology acceptable to	and can't be dealt with through the mechanisms above, then a new planning application is required. Developers may	requirement for a fire risk management system, regular fire risk assessments or structural
residents of HRRBs	(PAD) with Building Control but this is not Mandatory	may be changes to the design due to technical design development, changes to the scope and	associated building safety matters prior to construction works commencing	building control.	proceed at risk through fear of the implications of delay.	integrity surveys, etc. during occupation stages.
	A detailed Fire Strategy	compliance with regulations, etc. There is no formal requirement for notification process, tracking or change control procedure relating to	Building Control are to be notified of	Design Team and contractors team will have individual responsibilities and liabilities,	Similarly some changes may not be notified to Building Control which could be	NIFRS may carry out audits to ensure the safety of fire fighters in common areas in residential
KEY TO COLOURS OF BOXES	may not be fully complete at the start of this stage. The	the overall regulatory system.	works commencing. Inspections will be carried out at certain stages of the	depending on the procurement and contractual route chosen. There is no mandatory	significant in terms of safety and if not picked up during the limited inspections, they may go unnoticed and could remain	properties. NIFRS do not carry out any risk assessments regarding
Details action/requirement associated with a client, deve owner, building manager, design team or other consultar	eloper, building	Following receipt of the Planning Approval Decision Notice, any 'significant' changes to the approved design should not be made.	project, so Building Control are not expected to inspect all works, as they do not hold the liability for ensuring	requirement for independent checking of the construction	an inherent risk during occupation of a HRRB.	risks to residents.
varied owner, building manager, design team or other consultar industry, etc. (not a statutory or regulatory government br	Guidance Booklet E, BS 9999, or have a fire	Arrangements exist within the planning system for handling 'non material' changes through sections 67 and 'minor material' changes	the works are carried out in accordance with building regulations - the applicant carries this liability.	works to ensure quality of workmanship and that designs are compliant with approved	Defects Management prior to handover is the contractor's responsibility and a	Handover of HRRB for it to be occupied by residents
Planning Details action/requirement associated with planning app	proval. which will be scrutinsed by building control	through section 54 of the Planning Act (Northern Ireland) 2011. 'Development Practice Note 25 Non-Material change' and	However, there is no mandatory requirement for independent checking or verifying, it depends on	designs and other regulatory requirements.	supervisor if using NEC main form contract. Inspection depends on contractual obligations and inspection	Clients/building owners/building
Fire Details action/requirement associated with fire safety.		'Development Practice Note 24' give more information.	the appointment, contractual obligations, roles and responsibilities	Certifications for certain products such as integrity	roles and responsibilities and whether the client has appointed an independent inspection or verifying role.	managers may have their own procedures for pre-occupation inspections following handover of
Building Control Details action/requirement associated with building cont councils.	trol in local	Local Authority Building Control may be advised of changes. However, there is no mandatory	of the design team and the contractors team.	certificates for fire doors and screens, fire glass, emergency lighting, etc. will be required	Building Control Approval is usually attained following inspection at	construction works. There is no mandatory requirement for any inspections to
HSENI Details action/requirement associated with the Health ar	ind Safety	requirement to not commence construction works until changes have been accepted and approval granted.	Client to appoint Contractor as the 'Principal Contractor' role under CDM	from building control. It is the contractors responsibility to provide these.	completion stage and prior to occupation. However, there is no mandatory requirement to ensure approval is in	ensure fitness for occupation other than building control approval.
executive NI (HSENI).	tal health in local	NI10 form is submitted to HSE NI to notify	Regs. Construction Phase H&S Plan to be updated – CDM regs only cover workers on site.	There is no role for NIFRS.	place. There can be occasions where the building is occupied before the final building control approval certificate is	Some fire safety information
Health councils.		works are commencing on site, at least 10 days prior to start. Construction Phase H&S Plan by the 'Principal Contractor' to be signed off prior		Comply with Planning Conditions and discharge any pre-	issued (the outstanding issues may be minor).	should be displayed in the building to comply with building
Defective Premises NI (1975)	e Premises Order	to works commencing - only covers workers on site.		occupation planning conditions on the Planning Approval, but there is no mandatory	The requirements for building information at handover stage depend on what the	regulations, such as floor plans, escape routes and evacuation strategies. There is no role for
		No mandatory requirement for the 'golden thread' to be maintained, prior to construction		requirements for any inspections to ensure discharge.	client has asked for and some requirements will form part of the H&S file. There is no set standard or guidance	NIFRS in terms of any risk assessments, etc.
		commencing, i.e. no formal design based information requirements that are mandated.			on information requirements needed at handover stage for HRRBs.	
					There is no mandatory requirement for the golden thread to be maintained.	
There is no ma	GENERAL OBSERVATION sibilities and accountabilities are not defined or clear. andatory check on competence and capability for carry	ying out the roles and responsibilities.	contractual routes.		to the availability of various procurement and	GENERAL OF There is no mandatory contri- basis Stress standards
The system exit	ersight, control and coordination of regulatory and stat tists as a series of unconnected silos, each doing their as that could be made to be more effective.		There is no single point of oversig		out the roles and responsibilities. by and statutory approvals and certifications building should be viewed as one entity.	 basic fitness standards. There is no mandatory require Assessments for occupied H
The system is and learn from	reactive to problems. There is no one central body in a		The system exists as a series of u and efficiencies that could be ma	unconnected silos, each doing their own ade to be more effective.	specific remit, regardless of commonalities work carried out is in accordance with	There is no oversight, contro statutory approvals and certi place before occupation.
develop. This is fit for purpose.	is so that it is fully compliant with statutory and regulat . A siloed system with no flexibility works against this fl	tory requirements and is fit for construction and also	approvals, compliant and safe. The obligations.	his role might be spread across differen	t parties through their contractual	 There is no mandatory check those carrying out the roles a There is no mandatory required.
non-complianc	ce issues and problems.		There is no mandatory requirement 21	ent to maintain accurate building inform	auon and records - à golden thread.	

IN NORTHERN IRELAND - Gaps 30 March 2023					
ENANCE WORKS	ALTERATION & REFURBISHMENT				
DN & MANAGEMENT					
92 - Part 46 Fitness for Human Habitation II) 1975, FIRE + RESCUE SERVICES (NI) ORDER IS (NI) 2010 Private Tenancies Act (NI) 2022	POTENTIALLY THE SAME LEGISLATION AS DESIGN & CONSTRUCTION STAGES DEPENDING ON THE WORKS				
	POTENTIALLY THE PLANNING NI ACT 2011 DEPENDING ON THE WORKS				
ent for Department for Department Agriculture, Environment Local councils Public Bodies and Rural Affairs (DAERA) environmental (NDPBs) - NIFRS (DPBs) - NIFRS	Department for Economy (DfE) Health & Safety Executive NI (HSENI) – CDM				
(NDPBs) - NIFRS (Defective Premises health (DoH), NIW (Drij ion Order 1975)	regs. for workers only The process commences again				
	and actions and approvals depend on the extent of works.				
	Person or body wishes to carry out alteration or refurbishment works to a High Rise Residential Building (HRRB)				
	Client/developer/commissioner provides an initial outline scope or brief for the works and the building information - 'golden thread'.				
ntion	Usually a Design Team is appointed to help the person or body (client) to develop the scope of the works. Initial concept design proposals are developed by the Team.				
rs, nd Control and enforcement and fire sanction regimes exist in NI, ties. but they are insufficiently robust, can be circumvented, and do not effectively drive	There is no mandatory requirement for dients to ensure appropriate competency of their appointed design team.				
and do not effectively drive compliance.	The need for a planning application depends on the proposed works.				
There is no manadatory requirement for building owners/building managers to engage or consult with residents and keep them ral informed.	The need for a building control application depends on the proposed works.				
to to al building elements in Ni does not protect residents to the extent that similar legislation does in England and Wales, as amended in accordance with the Building Safety Act.	\uparrow				
changes/substitutions to construction materials and products can go unnoticed due to limited oversight and inspection roles and responsibilities.					
on er of requirements will include some building information and records and will also form part of the H&S file mandated under the CDM regulations.					
It is not mandatory to ensure there are records of maintenance works and impact on fire compartmentation, fire stopping, fire doors, etc.					
on for c thread to be maintained throughout the occupation of the HRRB to assist with maintaining adequate fire and associated building safety					
matters.	1				
RAL OBSERVATIONS control of HRRBs in occupation other than s. requirement for any Fire Risk bied HRRBs. control and coordination of regulatory and d certifications to ensure they are all in					
n. check on competence and capability for roles and responsibilities. requirement to maintain building records.					

4. Rationale Supporting the Recommendations

4.1 The recommendations of the Panel are aimed at improving the NI building safety regime and improve the culture and practice of all individuals and organisations operating in the end-to-end process. An explanatory rationale is provided to support each recommendation.

Continuing the Work Recommended by the Expert Panel

Recommendation 1

A full-time Building Safety Team (the Interim Team) should be established to develop further detail and a 'roadmap' for the implementation of the recommendations in this report, including the establishment of an 'Office for Building Safety' (OBS). The 'roadmap' (to include a timetable for the completion of the necessary actions) should be developed within 3 months of the Interim Team being established.

Recommendation 2

Adequate resources (financial, people, etc.) should be allocated providing appropriate knowledge, skills, expertise, and support services to implement the recommendations in this report, including the use of external specialists or the establishment of Task and Finish groups as required.

- 4.2 The work of the Panel determined that the current system of regulation, policy and oversight is currently under-resourced in central and local government. It also recognised there is still significant work required to enhance the fire and building safety characteristics of HRRBs.
- 4.3 The Panel recommends this work should start immediately and it should be carried out by a dedicated, appropriately resourced, skilled and qualified Interim Team, which can identify the next steps, and develop a strategy (a 'road map') for the implementation of the recommendations in this report, including the establishment of an 'Office for Building Safety' (OBS). The Interim Team should avail of specialist task and finish groups (drawing on expertise from both the public and private sectors), as required, to ensure it has the specialist skills and expertise needed to implement the recommendations and 'design' an effective regulatory system for fire and building safety matters for HRRBs in NI.

- 4.4 Task & finish groups could assist with work, such as, but not limited to:
 - a. defining the roles, responsibilities and competencies required of all actors involved in the end-to-end process;
 - b. the issues that some procurement and construction practices have on regulatory approval processes, where construction works can commence at risk, and without some essential regulatory approvals in place which could impact on safety;
 - c. what information requirements are needed to maintain building records and the 'golden thread²'; and
 - d. the identification of appropriate drivers to motivate and ensure culture change in the public and private sectors, which is explained in the next recommendation.

Culture and Competency

Recommendation 3

Life Safety must be advocated and incorporated in the guidance and policies developed by the OBS to raise competencies and behaviours and improve the culture and attitudes of the actors involved in the end-to-end process.

4.5 The Panel recognised that a change in culture and attitudes is necessary for all involved in the end-to-end process. Adopting an underlying principle of Life Safety will contribute to changing culture, behaviours and attitudes for actors involved in the end-to-end process. Changing culture is not an easy undertaking, but setting an example through policies and legislation and guidance will assist all actors (including public or private sector clients and developers), to create the conditions for safe procurement, design, delivery and management of HRRBs and will assist all actors in identifying risks and hazards that need to be mitigated to ensure the safety of residents. Understanding the causes of current poor culture and behaviours is crucial. This will assist with the introduction of levers to encourage culture change, provide additional support

² The 'golden thread' covers both the information and documents and the information management process (or steps) used to support the management of building safety. This information should be passed across building owners to underpin more effective safety management throughout the building's life cycle.

measures and establish checkpoints in the regulatory system that allow for the promotion of the implementation of the Life Safety Principle.

Recommendation 4

The OBS should identify and define the roles, responsibilities and accountabilities, for the actors involved in the end-to-end process. The competence requirements and accreditations needed should then be mapped. A procedural approach should then be provided for specifying, recording and monitoring competency requirements and accreditations for all actors involved in HRRBs.

- 4.6 The Hackitt Review identified the general lack of clarity over roles, responsibilities and accountabilities within the construction sector. A lack of a coherent and comprehensive approach to professional competence was also found. Dame Judith pointed to a fragmented approach, with different competence frameworks (even within one discipline), a lack of professional qualification and a number of instances where qualifications are present, but no coherent or formalised means exist for how they should be evidenced.
- 4.7 The Panel recognised the issues identified by the Hackitt Review are present within the NI system. The roles of those involved in the end-to-end process need to be clearly identified, defined and understood. Once this has been established, the responsibilities and accountabilities of the various roles should be mapped and, from this, the competencies established. Importantly, it is essential that those responsible for appointing 'competent persons' should themselves be competent.
- 4.8 Competence is a very broad issue. A formal and consistent means to identify and demonstrate the appropriate competencies is required in relation to HRRB fire and building safety matters. This should be established within the context of the defined roles and responsibilities of the key actors involved.
- 4.9 The Panel is aware of the industry-led UK Government's Competence Steering Group (CSG), which developed an interim report '<u>Raising the Bar</u>' and a final report '<u>Setting the Bar</u>'. This work has led to a National Standards project to develop a framework of British Standards and supporting documents, including Publicly Available Specification (PAS) PAS 8670. This framework supports

an overarching competence system and the competence requirements for newly regulated roles in the built environment.

4.10 It is important that actors in NI consider and gain insights from the work already carried out to develop national standards. The Panel agrees that NI should strive towards 'raising competence' across the public and private sectors in NI, to include all the actors involved in the end-to-end process. The expectations and methods developed to increase the level of competence in NI should reflect the scale of the NI regulatory system, and should be clearly specified and consistent. The Panel recommends that a central approach and accompanying procedure to demonstrate competence against a specified framework should be developed and implemented. This system will assist with assurance, recording and monitoring. Work already carried out for the BS Flex 8670 v3.0, the Public Available Specification (PAS) 8671, the PAS 8672, the PAS 8673 should be taken into account.

Structures and Resources

Recommendation 5

The OBS should endorse the view that a HRRB is a complex system that needs to be treated as 'one overall entity' and is resourced appropriately. The functions of the OBS should include, but not be limited to:

- a. providing oversight and coordination of fire and building safety matters related to the end-to-end process;
- b. driving clear strategic policy direction, leadership, continuity, guidance and support for fire and building safety matters;
- c. forming a close working relationship with appropriate public bodies and central government departments in other jurisdictions; and
- d. continually reviewing and researching, as necessary, other subjects which could impact positively or negatively on fire and building safety matters (e.g. electric vehicle parking/charging in HRRB underground car parks).
- 4.11 The Panel has identified that, as a consequence of significant fragmentation of roles and responsibilities, at present there is no central government department

that has a comprehensive functional foundation for fire or building safety that can be built on in order to enable the introduction of an integrated procedure for the oversight and coordination of the entire regulatory system of fire and building safety matters associated with HRRBs. In addition, the HSENI does not currently perform the same range of functions as its English counterpart.

- 4.12 The Panel has determined that, to implement the recommendations in this report, a new organisation should be established, preferably under the responsibility of a single central government department. The Panel has named this new body the 'Office for Building Safety' (OBS).
- 4.13 The OBS should be located where it can benefit from any current or future synergies between roles, strategic policies, knowledge and skills, and associated fire and building safety matters related to HRRBs. Consideration should also be given to the ability for the future expansion of this function, to include other building types, such as offices and hotels, or other requirements related to safety and the built environment. Consideration should also be given to the ability functions within HSENI and the new OBS.
- 4.14 It is important that the OBS recognises that a HRRB is 'one overall entity' consisting of a series of complex and interconnected systems that require continuity of approach in the end-to-end process for approval, inspection, regulation, and other matters to ensure the safety of residents and others.
- 4.15 The OBS is intended principally to provide a co-ordinating role, driving clear strategic policy for fire safety and associated aspects of building safety of HRRBs, with the potential to expand to cover other matters, if required. The OBS needs to be collaborative and cross-cutting, so that all measures or matters of implementation are carefully considered, well researched and evidenced, and developed in consultation with other relevant bodies and jurisdictions.

Recommendation 6

There are synergies in central and local government and other public bodies, such as, those between planning policy, building regulations, health and safety, environmental health and planning and building control functions in local councils. If changes are identified that enhance the effectiveness of the regulatory system for HRRBs, the OBS should work with local and central government to facilitate collaboration and align functions were necessary.

4.16 With no single authority having control or accountability over the end-to-end process and the fragmentation of responsibilities in a disjointed system, it is recognised that there is a pressing need for collaborative working practices and procedures that can strengthen existing synergies that exist between some central and local government departments and bodies. To ensure a more robust structure for building safety, it may be necessary to align functions.

Processes, Records and Information

Recommendation 7

The Interim Team should collaborate with Land and Property Services (LPS) to establish and maintain a public register of HRRBs. The OBS should hold up-to-date information on HRRBs and details of building owners/managers.

- 4.17 As highlighted in section 2 of this report, the Panel compiled a register of NI private residential buildings more than 4 floors or higher than 11m. The initial lists of buildings received from LPS and the NIFRS were supplemented by the addition of buildings identified through research undertaken by the NIHE.
- 4.18 It is important that a formal mechanism is put in place to ensure that private residential buildings more than 4 floors or higher than 11m are reported to LPS and added to the register upon completion. It is anticipated that the register will become a continuing live public database.

Recommendation 8

The OBS should establish a robust oversight gateway system covering the control and coordination of the end-to-end process. This system should include a series of integrated 'approval gateways'. Approval to proceed through the approval gateway is required for any new build HRRB, or existing HRRB which is subject to alterations (defined by the OBS as 'significant alterations' in consultation with Planning and Building Regulations/Building

Control). The work associated with designing this oversight gateway system should consider matters such as:

- a. identifying and addressing weaknesses, duplications and gaps in the current overall regulatory system;
- b. identifying the deliverables which the OBS needs to control and coordinate receipt of, as an 'overseer' in the end-to-end process;
- c. identifying, agreeing and implementing approval gateways in the end-to-end process, clearly indicating when such deliverables should be submitted to the OBS before work can continue;
- d. defining any additional inspection or certification regimes or roles required (without diminishing any liabilities, accountabilities or responsibilities already carried by any actor in the regulatory process or through any other contractual obligations);
- e. establishing a strategy for the notification of changes a 'change control mechanism' that deals with changes specific to those defined as 'significant' for HRRBs by the OBS, and different from other statutory requirements of planning or building control;
- f. establishing a strategy for the management of HRRBs in occupation, including the consideration of building safety cases, resident engagement strategies, risk assessments, and others as required; and
- g. to clarify the responsibilities of actors throughout the end-to-end process to ensure the 'golden thread'³ of building record information is maintained for HRRBs.
- 4.19 To improve the current disjointed and fragmented regulatory system, and to address weaknesses and gaps, the Panel recognised the OBS would need to establish a reasoned and comprehensive 'procedural system' that will provide coherence, clarity and oversight of the end-to-end process for HRRBs in NI.
- 4.20 It was noted that the system should be proportionate to the current NI landscape, and it needs to be procedural in nature, with appropriate approval

³ The 'golden thread' covers both the information and documents and the information management process (or steps) used to support the management of building safety. This information should be passed across building owners to underpin more effective safety management throughout the building's life cycle.

gateways as checkpoints to ensure effective rigour and regulation. The Panel recognised that the current separate regulatory systems, some of which currently work well, need to be integrated through a central co-ordinating organisation in order to extend the overall effectiveness and efficiency of the regulatory arrangements.

- 4.21 The Panel stressed the procedural system should be designed by competent people, who understand fully what is involved in the end-to-end process in the context of the conditions pertaining in NI. Most importantly, they require knowledge of the commercial and contractual relationships between actors involved in the end-to-end process and the associated legislative, statutory and regulatory requirements. The design of the system should involve experienced participants from the private sector, as well as the public sector, to ensure there is a comprehensive understanding of all factors that influence the process of procurement, design, constructing, approving, managing and inhabiting a HRRB to ensure that the system is robust and results in improved safety for occupants of HRRBs.
- 4.22 The Panel highlighted that the OBS must establish clear parameters and reasons for the deliverables which should be submitted to it so it can oversee and control the gateways in the procedural system. These deliverables could take the form of regulatory and statutory requirements, assessments, inspection reports, approval documents, certifications, monitoring and compliance reports, and other such matters as specified by the OBS.
- 4.23 The gateways will act as checkpoints to ensure that all appropriate information and requirements have been delivered or satisfied before a proposal can proceed through the gateway to the next stage in the procedural system.
- 4.24 It was determined by the Panel that many fire and building safety issues arise due to a lack of appropriate approval, certification or inspection. This, combined with the significant fragmentation across regulatory stages in the current process, is of considerable concern, and the Panel agreed that a solution is needed to address this. It was noted, however, that the solution should build on, and not dilute, the responsibilities and liabilities already in place through contractual, regulatory or statutory requirements. It should also clarify responsibilities, liabilities and sanctions for failure to comply with existing or new legislation created as a result of further work. The Panel reviewed the solution

adopted to resolve similar problems in the Rol under the Building Control Amendment Regulations (BCAR) system, which introduced certifying roles for the design and construction stages of the process. A task of the OBS should be to review and identify any failings or gaps in the control systems whereby poor design, defective workmanship and weak management practices may go unnoticed.

- 4.25 When changes are made to the design, construction methods or products used in a new building, or when maintenance and alteration works are proposed, there may be unforeseen knock-on effects that can have safety implications or can allow a compromised solution to be applied, which proves later to be unsafe. In the design of the procedural system, the OBS should consider a proportional 'change control mechanism', and at what stages this is appropriate. The definition of what constitutes a 'change' for this purpose needs to be clear and specific, so that all actors involved understand fully the consequential requirements and procedures. Liaison with other regulatory and statutory authorities should also be considered, such as interaction between Building Control and Environmental Health (who enforce the Construction Product Regulations in NI) at local council level.
- 4.26 Currently in NI, there does not appear to be a robust and consistent approach for the management of HRRBs during the occupation phase. A strategy should be established for the management of HRRBs in occupation, with consideration given as to what other jurisdictions are implementing, for example, introducing building safety case reports that are regularly reviewed. A building safety case can include other requirements, such as, the provision of an up-to-date fire strategy; a structural integrity report; a type 4 intrusive risk assessment; a safety management system; or a resident engagement strategy. In NI at present, there is no mandatory legislative requirement to carry out a fire risk assessment for a HRRB. The only legislative requirement in place protects fire fighters in common areas in HRRBs, a situation that Panel members highlighted as requiring strengthening. The OBS should examine the experience of other jurisdictions to consider requirements to assess fire doors and external walls in risk assessments, which are enforced through the Fire Safety Act in England.
- 4.27 The Panel found that there is no regulation, standard of performance or consistency in the way in which management companies discharge their duties.

Some common areas in HRRBs may not be managed at all, which can lead to serious safety implications. In the design of the procedural system, the OBS should establish requirements to regulate and oversee management companies: this should clarify duties and responsibilities, in order to give residents of HRRBs assurance and improve safety.

- 4.28 Another significant weakness the Panel identified is the absence of good quality building records (including those that been provided, but are not maintained by building owners). This is especially important with regard to maintenance, alteration and refurbishment works. Defining the duties of actors responsible for creating and maintaining these building records throughout the entire 'end-to-end process' is a task which the OBS should undertake, as well as outlining the content and quality of building records. A 'golden thread' of building record information is required for all HRRBs from commissioning stage to eventual disposal or demolition.
- 4.29 The design and requirements of this comprehensive 'procedural system' should not be confined to the elements recommended herein. It is important that the OBS should consult appropriately and seek specialist advice through task and finish groups and other relevant experts as necessary. As previously detailed in this report, having the appropriate competence is an essential prerequisite for success. The requirement to have the appropriate competence should extend to those appointed to the Interim Team, to the OBS, to any experts and to the members of task and finish groups. It is also important that the procedural system is as streamlined as possible and proportional to the conditions obtaining to NI, and does not duplicate other regulatory, statutory or legislative responsibilities. It is important that the OBS should operate within the context of commercial reality, and consult as necessary, so that any new procedural system does not have a disproportionate impact on the economy and the actors involved in the development and management of HRRBs.

Policy, Legislation and Guidance

Recommendation 9

The OBS should review existing policies, legislation and guidance to identify any amendments needed, and any new policies, legislation and guidance required to enable the end-to-end process. This should be carried out by collaborating with the central government departments responsible for these policies, legislation and guidance to:

- a. remove duplication in the current control and regulation of HRRBs;
- b. clarify what amendments to current guidance, policies or legislation is required to strengthen the current regime for HRRBs;
- c. identify where new guidance, policy and legislation is required and work with the relevant department to develop this; and
- review and approve any proposals for amendments to existing legislation, regulations or guidance, that are currently in-train or under consultation.
- 4.30 The Panel discovered significant disconnection between the policies and legislation that currently sit under the responsibility of six central government departments. The Panel highlighted the need for greater cohesion and linkage between policies, and a better understanding of what the policies and legislation involve from an overall perspective related to the end-to-end process. This will help to identify gaps, duplication and weaknesses in present provision and highlight the need for any new policies and legislation required to implement the recommendations in this report.
- 4.31 It is important to emphasise that departments should still retain ownership and responsibility for their policies and legislation. The OBS should act as a central conduit, co-ordinating any necessary amendments or additions to policies and legislation. The OBS should collaborate with departments regarding the outcomes of their work that will instigate amendments, generate new policies or need for legislation to be put in place.
- 4.32 The requirement for additional guidance is wide-reaching. The Panel established that guidance has an important role. Although it is unlikely on its own to change culture or behaviours, it will help to clarify elements of the 'end-

to-end process' and highlight any responsibilities and deliverables required. The OBS should consider the production of guidance to ensure it has positive and meaningful impacts. It is also essential that consideration is given to ensuring that new guidance does not contradict, or cause confusion with existing policy and legislation on the same subject.

Implementation of Key Safety Measures

Recommendation 10

Introduce a mandatory requirement for smoke and heat alarms to be installed in all **existing dwellings**, similar to the approach implemented in Scotland.

- 4.33 On the basis of discussions with other jurisdictions, the Panel agreed that a very effective means of reducing the risk of fire in HRRBs, is to introduce smoke and heat alarms. This requirement is already mandated through building regulations for **new** building work in NI (erection, alteration and/or extension), which would include HRRBs and all dwellings.
- 4.34 The Panel took evidence from the Scottish Executive, who have introduced legislation to require **all** homes to be fitted with smoke and heat alarms. The Panel considers that the installation of smoke and heat alarms should be a retrospective requirement for all **existing** HRRBs and other residential accommodation in NI. The rationale for this recommendation reflects the data provided by the NIFRS, relating to fire fatalities in NI over the last 6 years. The NIFRS data shown below indicates that more fatalities have occurred in terraced; semi- detached or detached homes. In relation to accidental flat fire fatalities, NIFRS has also provided data to show the floor level of the fire and has confirmed that, in all cases, the fatalities occurred in the compartment/flat of origin. The Panel therefore agreed that the installation of fire smoke and heat alarms should be mandated in **all residential dwellings** in NI. This could be introduced through changes to existing legislation.

Dw Fa 1 Jan D Nu	ccidental elling Fire talities* 2017 to 31 ec 2022 umber of ties by Year		Accidental Dwelling Fire Fatalities* 1 Jan 2017 to 31 Dec 2022 Number by Type of Dwelling		Accidental Flat Fire Fatalities 1 Jan 2017 to 31 Dec 2022 By floor Level		
Year	Number		Type of Dwelling	Number		Floor Level	Number
2017	7		Flat	6	-	Ground Floor	2
2018	5	-	Terraced House	18		1st Floor	2
2019	4		Semi-Detached House	5	_	2nd Floor	2
2020	5	-	Detached House	10	-	3rd Floor or above	0
2021	9		Total	39		Total	6
2022	9		*The categorisatio "accidental dwelli				
Total	39		fatality" can be su later amendment of evidence.	bject to a			

Recommendation 11

Consider the introduction of appropriate fire suppression systems, such as sprinklers, in new HRRBs.

- 4.35 Through discussion with other jurisdictions and the evidence presented from various sources, the Panel identified that another very effective mitigating measure, for reducing the risks associated with fire, is the fitting of appropriate fire suppression systems, such as sprinklers, in HRRBs. As well as protecting occupants, sprinklers limit structural and other damage to properties, thereby providing assurance to residents, insurers and lenders. Work is currently progressing with the NI Building Regulations Advisory Committee (NIBRAC) Part E (Fire safety) Technical Subcommittee on proposals for Automatic Fire Suppression Systems (sprinklers) to be considered for new build and material change of use HRRB projects.
- 4.36 Given the benefits of sprinklers, the Panel agreed that the fitting of sprinklers should be required in new HRRBs and supported the work of the DoF Building

Standards Branch in progressing legislation to introduce this. The Panel also debated the benefits of sprinklers in existing buildings, but recognised the potential difficulties in retrofitting some buildings.

Recommendation 12

Carry out a review of whether two or more escape staircases are required in new HRRBs. A cost-benefit analysis should be completed as part of this review.

- 4.37 The Panel debated whether having two or more escape staircases should become a mandatory requirement for HRRBs in NI. This matter is the subject of discussion in other jurisdictions. The Department for Levelling Up, Housing and Communities (DLUHC) launched its consultation in December 2022 regarding proposals for a second staircase to be mandated in new blocks above 30m. In mid-February 2023, the London Mayor Sadiq Khan implemented a requirement for planning applications for buildings above 30m to incorporate a second staircase before going to the Greater London Authority planning department for consideration and approval.
- 4.38 As the requirement for two or more escape staircases is interconnected with the overall fire strategy for a particular building, it is a subject that requires further detailed investigation and review, including a cost-benefit analysis. If accepted, this could be introduced through changes to existing legislation.

Assessment and Remediation of Existing Stock of Private Residential High Rise Buildings

Recommendation 13

An application to remediate one building with unsafe Aluminium Composite Material (ACM) Cladding fitted has been received by the Department of Finance. The remediation works should commence in April 2023. This is supported by the Expert Panel.

4.39 In July 2021, the NI Executive approved a £1 million Private Residential ACM Cladding Remediation Fund for residential buildings in NI over 18m in height. The Fund was launched by DoF on 21 September 2021 using a public call for

applications from the owners of residential buildings over 18m fitted with unsafe ACM cladding. One application was received before the closing date. Having satisfied the pre-conditions of the Fund, the applicant received a letter of approval in December 2022. It is anticipated the remediation works will commence in April 2023 and be completed within 3 months.

Recommendation 14

The Department for Communities (DfC) is developing a potential scheme for NI, using the model of the English Building Safety Fund, to assess, and potentially fund, remediation required to buildings in NI fitted with unsafe non-ACM cladding. This Panel considers that this work should be expedited urgently.

4.40 The public call for application for unsafe ACM cladding also asked for details of private residential buildings over 18m with unsafe non-ACM cladding fitted to establish the scope and scale of further potential remediation schemes. A small number of NI private residential buildings (over 18m) responded to this call. DfC is considering urgently how a NI scheme may respond to any such cases. Its expectation is that this will resemble the scheme operated by the Department for Levelling Up Housing and Communities (DLUHC).

Recommendation 15

Establish a strategy to define the requirements for assessment, funding and remediation of life safety issues in existing HRRBs that may have additional vulnerabilities and problems that need to be rectified.

- 4.41 As previously identified, fire safety issues extend beyond unsafe cladding. Without undertaking intrusive (type 4) surveys of existing HRRBs, the full scale and extent of any fire and building safety issues requiring remediation is not known.
- 4.42 The Panel established that in NI, some public authority property owners have reviewed the condition of their HRRB stock and addressed a number of issues following the Grenfell fire. However, there is still a lack of information regarding the condition and management of private sector stock and some public sector

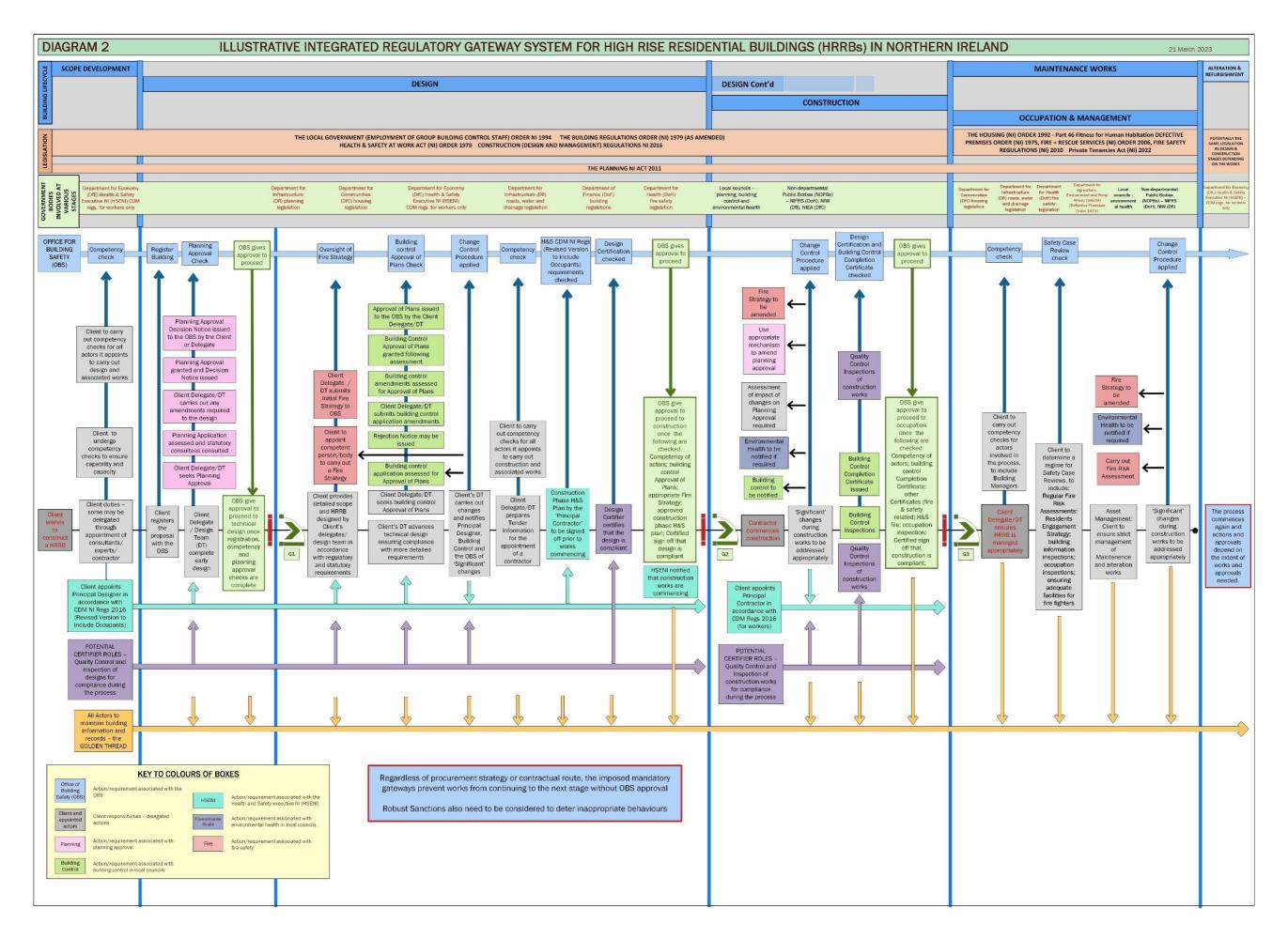
stock. Substantial weaknesses, gaps and inconsistencies in information would appear to exist. The Panel determined this is an area that requires further investigation by the OBS. A strategy should be developed by the OBS in consultation with the appropriate experts and bodies to ascertain vulnerabilities and identify problems that need to be addressed.

5. Conclusion: A Future NI High Rise Residential Building Landscape

- 5.1 The Panel concluded that the separation of responsibilities for building and fire safety across various NI central government departments and local government has contributed to a lack of progress in bringing forward changes to NI legislation, policies and guidance related to fire and building safety. Given the significant work progressed in other parts of the UK and the RoI, there is a significant body of best practice which NI can build on to strengthen its regime for fire and building safety, particularly in High Rise Residential Buildings (HRRBs).
- 5.2 The recommendations in this report outline the measures that should be progressed to introduce safeguards within the system in NI. Recommendations 1, 2 and 10 are very urgent and require immediate action and from this a detailed timeline should be established for the implementation of the other recommendations.
- 5.3 The Panel stressed the need for widespread culture change across all actors involved in the end-to-end process. This culture change requires leadership from both government and industry to ensure competency levels are raised, and roles and responsibilities are well understood and reflected in practice.
- 5.4 However, changing the culture will not, on its own, bring about the transformation that is required. In parallel to culture change, there is an urgent need to overhaul and simplify the current overcomplex and fragmented system for the approval, control and regulation of fire and building safety in HRRBs.
- 5.5 The recommendations made in section 4 reflect the essential components and key elements of an improved system for the approval, control and regulation of HRRBs. While the creation of a new coordinated organisation the Office for Building Safety will provide oversight of the entire end-to-end process, it is also essential to integrate all elements of the regulatory system through the establishment of 'integrated approval gateways' (recommendation 8). This proposal will help to strengthen the entire process and will reduce fragmentation

and complexity: a reform that will enhance public sector efficiency and also simplify the procedures that private sector developers have to comply with.

- 5.6 An illustrative 'integrated approval gateway' system is shown in Diagram 2. This diagram illustrates that the situation in NI is very complex. This reflects the reality of the current arrangements in NI, and it is likely that simplification will require legislative change.
- 5.7 The recommendations in this report should be viewed as the <u>beginning</u> of a building safety reform process. It will be the work of the subsequent Interim Team and a newly established Office for Building Safety to drive the changes required to improve the safety of high rise residential buildings in Northern Ireland.



Annex A

Acronyms and Definitions

Acronym/Term	Definition
ACM	Aluminium Composite Material
Actors	All public, private and other individuals and
	organisations involved in the procurement, design,
	approval, construction and management of HRRBs
BCAR	Building Control Amendment Regulations system
CIOB	Chartered Institute of Building
DfC	Department for Communities
DLUHC	Department of Levelling Up Housing and Communities
DoF	Department of Finance
DoH	Department of Health
DfE	Department for Economy
Dfl	Department for Infrastructure
DAERA	Department for Agriculture, Environment and Rural
	Affairs
End-to-End Process	The procurement, design, approval, construction and
	management of High Rise Residential Buildings
Golden Thread	The 'golden thread' covers both the information and
	documents and the information management process
	(or steps) used to support the management of building
	safety. This information should be passed across
	building owners to underpin more effective safety
	management throughout the building's life cycle.
HRRBs	High Rise Residential Buildings: which includes
	Private residential buildings more than 4 floors or over
	11metres high;
	Commercial buildings containing 2 or more dwellings
	and more than 4 floors or over 11metres high; and
	Health and Social Care residential buildings more
	than 4 floors or over 11metres high.

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Overseer	A person who oversees, supervises, or whose job it is
	to make certain that an activity is being done correctly.
HSENI	Health and Safety Executive NI
Life Safety Principle	Applying the 'Life Safety' Principle in the context of this
	report, refers to, taking action or applying activities to
	prevent hazards which could endanger human life in
	relation to design and construction and management of
	HRRBs.
LPS	Land and Property Services
NI	Northern Ireland
NIBRAC	NI Building Regulations Advisory Committee
NIFRS	NI Fire and Rescue Service
NISRA	NI Statistics and Research Agency
OBS	Office for Building Safety
PAS	Publicly Available Specification
RICS	Royal Institution of Chartered Surveyors
Rol	Republic of Ireland
RSUA	Royal Society of Ulster Architects
RIBA	Royal Institute of British Architects
	*Although RIBA is not mentioned in the report, it is included as the
	RSUA acts for the RIBA in NI.

Annex B

Statement of Dissent from the Royal Society of Ulster Architects (RSUA)

The RSUA has been part of the Expert Panel – building Safety Programme, Northern Ireland panel since the project's inception in 2022. Our purpose in agreeing to give expertise to the panel, was twofold:

- To contribute to an urgent exercise to review the regulatory environment surrounding the construction and management of high-rise residential buildings in the wake of Grenfell and the significant recent regulatory changes in England, Scotland and Wales and
- to contribute to a series of recommendations based upon the review, to improve the safety of residents both in existing and new buildings in Northern Ireland.

We welcome the recommendation that a fully resourced team should be put in place immediately to continue the work of the panel, however there are no output targets or timescales for the implementation of mechanisms to improve the safety of existing residents nor to implement reforms to the system/legislation for new buildings. All of this means that Northern Ireland is going to continue to build new buildings under the current regime for the foreseeable future, adding to a legacy of existing buildings created within a system that has been identified in the report as being flawed, thus exposing increasing numbers of people in high rise buildings to a level of resident safety that is lower than that in the rest of the UK.