



Town & Country Planning Association parliamentary briefing: Amending the Building Safety Bill

3 September 2021

The Building Safety Bill

The Building Safety Bill (BSB) is the government's most substantial legislative response to the Grenfell disaster. Amongst its measures are new regulatory regime for 'higher risk' buildings, a Building Safety Regulator, and changes to building control.

The bill is both high-profile and controversial, particularly with regards to the extreme remediations costs many leaseholders in 'higher risk buildings' face. It is also a huge opportunity for real reform, that goes well beyond the narrow, though admittedly very serious, issue of fire risks in tall buildings, to more fundamentally address safety and health throughout the built environment. This is an opportunity that the government's current bill risks wasting, despite it being well within its scope.

A missed opportunity for real change?

The bill is nowhere near as ambitious as it could or should be in addressing its main concern. Indeed, the bill's long title claims that it 'Makes provision about the safety of people in or about buildings and the standard of buildings...'. But **the 'safety of people' is generally defined as an absence of health risks or harms, and many important building-related risks or harms are not dealt with in the current BSB.**

These include direct risks such as air pollution, overheating, and noise pollution, as well those which are more indirect, such as poor accessibility or walkability, insecurity, lack of access to greenspace or cramped living conditions. Evidence

collected by the TCPA and others shows that our planning and housing systems currently allow thousands of homes to be built every year which undermine people's wellbeing by exposing them to these health risks.

The bill's issue-specific focus on fire safety in *tall* buildings also means that it fails to tackle fundamental, systemic failings in the existing regulatory system which eventually led to the Grenfell disaster itself. It therefore neglects other types of buildings that are at high risk of fire, and does not address a deeper issue: The laws and regulations governing health, safety, and wellbeing in the English built environment accreted over decades. They are complex, riddled with inconsistencies and a poor fit. Genuine progress requires change from the ground up, not laying more requirements on top of this creaking system, which focuses on mitigation, not the active promotion of safety and health. This bill offers the chance of such real change, but it is not currently being taken.

Overall, by drawing its focus too tightly the bill fails to:

1. Achieve the **deeper**, simplifying and strengthening regulatory reform which would enable the bill to achieve its objectives relating to fire safety and the quality of new-build home; and
2. Combat the **wider** housing health and safety issues that the bill claims to address, and which undermine their residents' life chances.

Overall, the BSB currently falls far short of its stated aim - securing safe environments

for people. Minimising risks so that people are not harmed by the places in which they live should be the BSB's basic ambition, but it should go further than this, and aim to positively enhance people's health and wellbeing.

The healthy homes principles

The [Healthy Homes Act](#), draft primary legislation developed by Lord Nigel Crisp and the TCPA and supported by a broad coalition of organisations,² provides a starting point for addressing these issues. It includes a set of 'healthy homes principles', along with a powerful new duty on the Secretary of State to ensure people's safety and health are core priorities for built environment policy and regulation.

The principles define, at a high level, what constitutes a safe and healthy home. While they were developed through a series of expert working groups, they concern basic and common-sense issues of safety and health. They cover issues like access to green space and natural light, accessibility, fire safety, safety from crime and a walkable streetscape (see page 6, below).

The principles would require the government to develop minimum standards in each area. This is something which currently does not exist for most of the topics they cover, despite how fundamental they are to people's safety and health.

They would also provide a new, unified approach to the regulation of the built environment, that cuts across regimes and ensures that the starting point for all forms of relevant regulation and policy would always be the wellbeing of people.

² Supporting organisations include: CPRE - The Countryside Charity, The Chartered Institute of Environmental Health, the Association of Directors of Public Health, Chartered Institute of

Suggested amendment 1: Clarifying the meaning of safety to make clear that it includes the prevention or harm to people's health

The bill needs to be amended in two ways if it is to deliver on its promise.

This first amendment is designed to clarify the BSB's definition of 'safety', and to emphasise the importance of health within this. Doing so would ensure that the bill, a) more comprehensively applies to all relevant aspects of the built environment, and b) shift the regulatory system from a focus on mitigation of harms, to the proactive pursuit of health.

After Clause 3 '**Regulator: objectives and regulatory principles**' (5) insert new sub clause (6):

(6) In this Part "safety" means freedom from the risk of harm arising from the location, construction or operation of buildings which may injure the health and wellbeing of the individual.

Suggested amendment 2: The Healthy Home principles, duty, and commissioner

To fulfil the BSB's ambition of securing a lasting improvement in people's safety and health in new homes, the TCPA strongly recommends inserting an entire new Part 1A into the draft legislation.

The overarching purpose of this amendment is to ensure that the whole of the planning and housing systems are geared towards the active pursuit of safety and health.

This part would contain 'safe and healthy homes principles' alongside duties which

Housing, Civic Voice, the Association for Public Service Excellence, and several local authorities and private sector organisations.

would ensure their effective implementation. Though amendment one, and the rest of the BSB, apply to both new and existing homes, this amendment would only apply to the former. There is no reason

that this amendment could not be expanded to cover existing homes.

The draft amendment to BSB which achieves this objective is set out below.

PRINCIPLES OF A SAFE AND HEALTHY HOME

1 Duty on the Secretary of State

(1) It is the duty of the Secretary of State to secure the health, safety, wellbeing and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings.

2 Policy statement on safe and healthy homes principles

(1) The Secretary of State must prepare a statement in accordance with this Act (the “policy statement on safe and healthy homes principles”).

(2) The statement must explain how the safe and healthy homes principles are to be interpreted and applied by Ministers of the Crown in making, developing and revising their policies.

(3) The statement may explain how the principles will be implemented and adhered to in a way that takes account of the development’s urban, suburban or rural location.

3 Meaning of ‘safe and healthy homes principles’

(1) In this Act “safe and healthy homes principles” means the principles -

- (a) all new homes must be safe in relation to the risk of fire,
- (b) all new homes must have, as a minimum, the liveable space required to meet the needs of people over their whole life-time, including adequate internal and external storage space,
- (c) all main living areas and bedrooms of a new dwelling must have access to natural light,
- (d) all new homes and their surroundings must be designed to be inclusive, accessible, and adaptable to suit the needs of all,
- (e) all new homes should be built within places that prioritise and provide access to sustainable transport and walkable services, including green infrastructure and play space,
- (f) all new homes must secure radical reductions in carbon emissions in line with the provisions of the Climate Change Act 2008,
- (g) all new homes must demonstrate how they will be resilient to a changing climate over their full life time,
- (h) all new homes must be built to design out crime and be secure,
- (i) all new homes must be free from unacceptable and intrusive noise and light pollution,
- (j) all new homes must not contribute to unsafe or illegal levels of indoor or ambient air pollution and must be built to minimise, and where possible eliminate, the harmful impacts of air pollution on human health and the environment, and
- (k) all new homes must be designed to provide year-round thermal comfort for inhabitants.

4 Policy statement on safe and healthy homes principles: process

- (1) The Secretary of State must prepare a draft of the policy statement on safe and healthy homes principles.
- (2) The Secretary of State must consult such persons as the Secretary of State considers appropriate in relation to the draft statement.
- (3) The Secretary of State must lay the draft statement before Parliament.
- (4) If, before the end of the period of 21 sitting days beginning with the day after the day on which the draft statement is laid—
 - (a) either House of Parliament passes a resolution in respect of the draft, or
 - (b) a committee of either House, or a joint committee of both Houses, makes recommendations in respect of the draft, the Secretary of State must produce a response and lay it before Parliament.
- (5) The Secretary of State must lay before Parliament, and publish, the final statement, but not before—
 - (a) if subsection (4) applies, the day on which the Secretary of State lays the response required by that subsection, or
 - (b) otherwise, the end of the period of 21 sitting days beginning with the day after the day on which the draft statement is laid.
- (6) The Secretary of State may revise the policy statement on safe and healthy homes principles at any time (and this section applies in relation to any revised statement).
- (7) “Sitting day” means a day on which both Houses of Parliament sit.

5 Policy statement on safe and healthy homes principles: effect

- (1) A Minister of the Crown must have regard to the safe and healthy homes principles when making, developing or revising policies dealt with by the statement.
- (2) Relevant responsible authorities must have regard to the policy statement on safe and healthy homes principles when discharging their duties under the planning, building, and public health acts.
- (3) “Relevant responsible authorities” include but are not limited to-
 - (a) local planning authorities,
 - (b) public health authorities,
 - (b) urban development corporations,
 - (c) new town development authorities,
 - (d) the planning inspectorate, and
 - (e) Homes England.

6 Annual monitoring

- (1) The Secretary of State must prepare a progress report for each annual reporting period.
- (2) A progress report for an annual reporting period is a report on progress made in that period about the extent to which all new homes approved and completed during that period have met the safe and healthy homes principles under section 2.
- (3) A progress report must include specific consideration of how the approval and creation of new homes has met the needs of those with protected characteristics under section 4 of the Equality Act 2010.
- (4) A progress report will include consideration of how progress could be improved.
- (5) The Secretary of State must –
 - (a) arrange for the progress report to be laid before Parliament, and
 - (b) publish it.

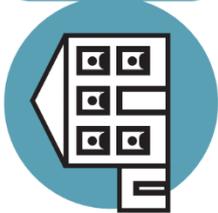
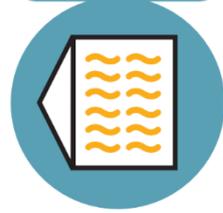
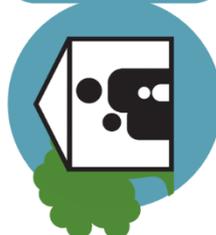
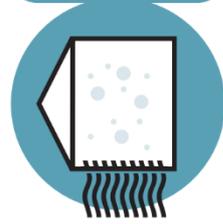
Further information

You can find the detail of the evidence, legal advice and legislative approach to the healthy home's principles [here](#). Please contact Dr Hugh Ellis, TCPA Director of Policy, at Hugh.Ellis@tcpa.org.uk; Fiona Howie, TCPA Chief Executive, at Fiona.Howie@tcpa.org.uk; or Dr Daniel Slade, TCPA Policy and Project Manager, at Daniel.Slade@tcpa.org.uk.



The safe and health home principles




<p>...must be safe in relation to the risk of fire</p> 	<p>...must have, as a minimum, the liveable space required to meet the needs of people over their whole life time, including adequate internal and external storage space</p> 
<p>...must be free from unacceptable and intrusive noise and light pollution</p> 	<p>...must be built within places that prioritise and provide access to sustainable transport and walkable services, including green infrastructure and play space</p> 
<p>...must secure radical reductions in carbon emissions in line with the provisions of the Climate Change Act 2008</p> 	<p>...must demonstrate how they will be resilient to a changing climate over their full life time</p> 
<p>...must be safe in relation to the risk of fire</p> 	<p>...must be designed to provide year-round thermal comfort for inhabitants</p> 
<p>...must have access to natural light in all main living areas and bedrooms</p> 	<p>...and their surroundings must be designed to be inclusive, accessible, and adaptable to suit the needs of all</p> 
<p>...must minimise and not contribute to unsafe or illegal levels of indoor or ambient air pollution</p> 	<p>...must be built to design out crime and be secure</p> 

To find out more about the Healthy Homes Act campaign please visit: www.tcpa.org.uk/healthy-homes-act