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Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig  
Cabinet Secretary for Environment and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-777  
Ein cyf/Our ref LG/01959/17

David John Rowlands AM  
Chair - Petitions Committee  
National Assembly for Wales  
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Dear David

Thank you for your letter of 17 August, regarding petition P-05-777 Application of the Automatic Fire Suppression Systems Legislation within the current Building Regulations for Wales.

The petition requests a review of the current legislation for fire suppression systems in Wales in regard to projects which constitute a 'material change of use' for the purposes of the Building Regulations. The petition also requests that any review should look at the wider implications of the legislation such as the costs, maintenance of systems and legionella risk.

Statutory Instrument 2013 No. 2730 (W. 264), The Building Regulations &c. (Amendment No. 3) and Domestic Fire Safety (Wales) Regulations 2013, requiring the installation of fire suppression systems in residences where building work is being undertaken, amended the Building Regulations and were made following the National Assembly for Wales (Legislative Competence) (Housing) (Fire Safety) Order 2010 and the Domestic Fire Safety (Wales) Measure 2011.

The specific requirement to instal an automatic fire suppression system, contained in regulation 37A(3) of the Building Regulations 2010, applies where building work consists either of the erection of certain buildings (including dwelling houses and flats) or a material change of use of such buildings. There will be a material change of use where a building, which contains at least one dwelling, after the change of use contains a greater or lesser number of dwellings than it did previously (regulation 5 (g), applied by regulation 37A(2)).

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

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

The legislative process commenced in 2007 with the Legislative Competence Order (which enabled the National Assembly to make the Measure), this stated the term 'new residences' would include those residences created as a result of amalgamation of a greater number of existing residences into one. This requirement was consistent throughout the legislative process.

The scrutiny committee of the Legislative Competence Order, in its report laid on the 11 June 2008, concluded the proposed order be amended to remove the interpretation provisions for the terms 'new residential premises' and appropriate interpretation provisions should be considered as part of any future Measure(s).

However, the Member in charge did not agree with this recommendation. The committee then concluded the term 'new residential premises' as currently provided for in the proposed Order was sufficiently clearly drawn and were therefore content with this term and its interpretation. The interpretation was as follows:

'the term "new residential premises" means not only new build housing, but also premises which are converted to residential use and existing residential premises which are subdivided or amalgamated into one or more new residences.'

Following the scrutiny by the National Assembly for Wales and pre-legislative scrutiny by both Houses of Parliament, a revised Order, *The National Assembly for Wales (Legislative Competence) (Housing) (Fire Safety) Order 2010* subsequently received Royal Assent on 12 April 2010 and came into force the following day.

Following the Legislative Competence Order, the proposed Domestic Fire Safety (Wales) Measure was introduced to the National Assembly for Wales on 8 July 2010 and set out requirements for fire suppression systems, the requirements were clearly laid out namely:

*The provision of automatic fire suppression systems in new residential premises*

*In this matter "new residential premises" means—*

- (a) premises newly constructed for residential use;*
- (b) premises newly converted to residential use;*
- (c) premises converted to use as one or more new residences by subdivision of one or more existing residences; and*
- (d) premises converted to use as one or more new residences by amalgamation of one or more existing residences.*

Following Royal Approval of the Domestic Fire Safety (Wales) Measure in April 2011, a public consultation was undertaken in March 2013 on implementing the legislation. The consultation included the integration of the Measure requirements into the Building Regulations. Following the public consultation the requirements were incorporated into the building regulations through the Building Regulations &c. (Amendment No. 3) and Domestic Fire Safety (Wales) Regulations 2013, made on the 22 October 2013.

In relation to costs relating to the sprinkler installations, in a written statement by John Griffiths AM Minister for Environment and Sustainable Development on the 30 May 2012 he stated "The study indicates the cost benefit case is less strong for regulating all new domestic properties but the Welsh Government believes care is required when considering any policy which has the potential to protect life".

The costs of installing sprinklers included within the regulatory impact assessment represented a broad average of expected costs which have been largely supported by the pilot study final report. We do however accept costs of installing fire suppression systems in small scale developments and those involving refurbishment are likely to be higher, including where two or more dwellings are being altered into one (and conversely).

The Welsh Government has undertaken a pilot study of residential sprinklers in new housing as this was the area where we expect there to be bulk of activity. The overall aim of the project was to undertake a specified research relating to the learning experiences, solutions to issues and the processes concerning the design and installation costs of systems in housing in Wales. The pilot study included 175 installations in twelve local authority areas. The pilot study commenced in June 2014 and was completed in August 2016.

The link to the final report can be accessed at:

<http://gov.wales/topics/planning/buildingregs/publications/welsh-government-sprinkler-pilot-study-final-report/?lang=en>

In relation to the overall cost of a sprinkler installation it is difficult to assess costs as each property will differ in relation to the building design, sprinkler design, availability of a suitable water supply and location of contractor. In relation to the water supply where there is sufficient flow and pressure then a main fed system is the most cost effective. Where a pump is required to enhance the mains flow and pressure then the costs will increase.

In relation to the maintenance of a fire suppression system, this would be the responsibility of the homeowner or person responsible for the property, there are no continuing control requirements in relation to the building regulations following certification of the completion of the building work.

In relation to legionella, this spreads via infected aerosolised water. To be aerosolised, water droplets need to a certain size, far smaller than the droplets of water that a sprayed from fire sprinkler systems. In addition, aerosolised water would only be likely if the sprinklers were activated, in which case exposure is unlikely as occupants would be leaving the area due to a fire situation. While there is a risk of legionella, that risk is low or negligible when considering fire sprinkler systems.

Regards



**Lesley Griffiths AC/AM**

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