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KINGSPAN INSULATION LIMITED'S RESPONSE TO THE DEPARTMENT FOR LEVELLING UP, HOUSING & COMMUNITIES' REQUEST FOR PROPOSALS TO HELP RESOLVE THE UK BUILDING SAFETY CRISIS

Summary

We welcome your focus on resolving the current wholly unacceptable situation concerning fire safety issues in buildings in which so many leaseholders find themselves, through no fault of their own.

We also welcome your commitment to: *"restore much needed common sense on building safety assessments, ending the practice of too many buildings being declared unsafe."*

We have absolute confidence in the safety of K15 when installed correctly in appropriate external wall systems. Kingspan will pay our share of remediation costs where we have responsibility for the inappropriate use of K15 in a high-rise residential building, and its safe retention cannot be supported by testing. We first made this commitment in February 2021 and continue to stand by it.

The role played by the insulation (and by K15 in particular) in the Grenfell Tower fire is widely misunderstood. As a consequence, the difficulties faced by many leaseholders have been exacerbated by an incorrect and widespread belief that K15 is inherently unsafe on high-rise buildings and should be removed. This is false.

In fact, the Inquiry's Phase 1 report found that the rapid fire spread was principally caused by the ACM-PE outer cladding. What is more, Government's own testing following the fire showed that ACM PE-cored cladding systems of the type used on Grenfell Tower failed full-scale BS8414 tests both when combined with combustible insulation and when combined with non-combustible mineral wool. Quite simply, the type of insulation used made no material difference to the spread of fire on the Grenfell Tower.

We therefore welcome the recent BSI guidance (PAS 9980), sponsored by Government, which supports the retention of safe systems with K15 where there is appropriate system testing evidence, in the context of an overall building Fire Risk Assessment. This much needed and science-based guidance, which implements the Hackitt principles, will lead to proportionate assessments and an accelerated resolution of safety issues for leaseholders.

In order to provide clear guidance to building owners, lenders and the insurance industry, and to protect leaseholders from unnecessary anxiety, it is critical that Government take a lead on communicating the PAS 9980 guidance that external wall systems containing combustible insulation materials are safe when used in appropriate systems supported by appropriate evidence.

Our proposals are addressed in the context of three key principles which we support with further information below:

1. **K15 can be safely retained on many high-rise-residential buildings.** K15 is a safe product when installed correctly in appropriate external wall systems. With our 14 different BS8414 successful system tests containing K15, supplemented by bespoke tests where necessary, it can be safely retained in many high-rise-residential buildings in line with Government sponsored guidance, either in the existing system or by recladding over the K15.
2. **The resolution of fire safety of high-rise-residential buildings is a multi-faceted challenge covering a wide range of design, installation and product issues.** These include fire stopping, windows, fire doors, escape routes, timber balconies, sprinklers, poor building practices, value engineering and much more. Any solution that does not include holistic Fire Risk Assessments that address the full spectrum of safety issues will fall short for leaseholders. Consequently, the cost of remediation should be spread across the construction industry in a proportionate and equitable way.

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3. **Any retrospective change in Government policy on buildings between 11m-18m must involve a Government-led solution**. We welcome the recent PAS 9980 which will lead to holistic and pragmatic assessments in existing buildings of all heights. However, it must be recognised that this retrospective change in policy, due to the wide range of issues outlined above, may now find buildings deficient which were compliant at the time of construction. As such the Government must lead the solution to deliver this change.

In addition to industry stakeholders making a commitment, like Kingspan's, to fix issues for which they are responsible, we believe a new body with independent oversight should be put in place to address situations where for example responsibility is not clear, or the responsible entities are no longer trading. Most importantly this will accelerate the resolution of building safety issues for leaseholders.

In summary therefore, our proposal is that we continue to stand by our commitment made in February 2021 to pay our share of remediation costs where we have responsibility for the inappropriate use of K15 in a high-rise residential building, and its safe retention cannot be supported by testing. In addition, we will contribute to an appropriate joint Government and industrywide funding mechanism such as an industry levy, that is equitable and shared across the entire construction industry, to support the wider fire safety issues on buildings where those responsible can't or won't pay.

We are fully committed to constructive dialogue and welcome further engagement with our trade associations and the Secretary of State's office on the subject.

We set out some further supporting detail below.

1. K15 can be safely retained on many high-rise-residential buildings.

Firstly, there is a general misunderstanding regarding the safety of combustible insulation in high-rise-residential buildings.

The decision to ban combustible insulation in buildings over 18m, together with the significant misreporting of its role in the Grenfell Tower fire, has created a widespread misconception that it is not safe and should be removed from all high-rise buildings. This is false.

This misunderstanding about the role of combustible insulation in the Grenfell Tower fire is vital to correct because it has created unnecessary concerns for leaseholders, lenders and the insurance industry, together with a grossly overinflated estimate of the contribution of combustible insulation to the fire safety issues in the UK's high-rise-residential buildings.

In fact, the Inquiry's Phase 1 report found that the rapid fire-spread on Grenfell Tower was principally caused by the ACM-PE cladding. Research submitted to the Inquiry shows that the rapid fire-spread on the Grenfell Tower would tragically have occurred in substantially the same way if the insulation had been non-combustible instead of combustible. The fact that it was combustible insulation did not make any material difference.

This was further evidenced by large scale tests carried out by your own Department in 2017 which showed that that ACM PE-cored cladding systems of the type used on Grenfell Tower failed full-scale BS8414 tests both when combined with combustible insulation and when combined with non-combustible mineral wool.

The Grenfell Tower Inquiry is on-going and has still to hear evidence from the Inquiry's experts Professors Bisby and Torero concerning the role played by the insulation in the development of the fire. But as a core-participant, DLUHC will already have had sight of this evidence and will appreciate its importance in addressing some of the above misconceptions.

Secondly, it is also important to highlight that the previous Government guidance (the Consolidated Advice Note) which permitted combustible insulation to be retained in appropriate systems on high-rise residential buildings was not widely understood. This undoubtedly led to unnecessary confusion, disproportionate and widely varied remediation assessments, lack of alignment among industry stakeholders and ultimately unacceptable delays for resolution for leaseholders. To this end we welcome the new PAS 9980 guidance which was launched in January 2022. It takes a sensible risk-based approach to assessing external wall systems.

PAS 9980 supports the retention of safe systems with combustible insulation where there is appropriate system testing evidence, in the context of an overall building Fire Risk Assessment. This is in line with Dame Judith Hackitt's recommendations. Kingspan has consistently advocated for system testing – with BS8414 testing as the gold standard - and so we welcome this science-based and risk focused approach.

We believe this helpful new guidance is a significant step forward in providing a robust framework for proportionate assessments on building safety. It will be critical that it is swiftly adopted by the industry so that PAS 9980 assessments are also relied upon by lenders and insurers, and we hope that Government will play a role in this regard.

Thirdly, with regards specifically to the safety of K15, there has been much media coverage of one system test containing K15 which failed in 2007, and this has led to a misconception that K15 is unsafe and could not pass the necessary test to be safely used on high-rise residential buildings. This too is false. The reality is that shortly after this 2007 test, the same system design was re-tested using non-combustible insulation instead of K15 and also failed. These two tests highlight that it was the overall cladding system tested in 2007 which was unsafe, and not that K15 was unsafe. Systems incorporating non-combustible stone wool can and do also fail large-scale tests. This was also precisely what Government's 2017 tests showed and demonstrates why BS8414 large-scale system testing is so important.

Furthermore, with respect to the three system tests which have come into question during the course of the Inquiry and were subsequently withdrawn, all three tests have since been repeated with similar systems, and achieved the same results (ie two systems passed and one failed as previously).

There are now 14 different successful BS8414 large-scale system tests of different systems containing K15 and various cladding materials, which are available for use today by fire engineers using the new PAS 9980 risk assessment method to support decisions regarding its safe retention in high-rise-residential buildings. That is more than for any other type of insulation as far as we are aware.

2. The resolution of fire safety of high-rise-residential buildings is a multifaceted challenge covering a wide range of design, installation and product issues.

The Inquiry has revealed that building safety is a very complex topic, with multiple stakeholders and interdependencies, and numerous issues beyond cladding and insulation such as fire doors, fire stopping, escape routes, windows, sprinklers, smoke extraction, poor design and building practices, value engineering and much more.

As the Housing Communities & Local Government Committee (HCLGC) pointed out in its June 2020 report: *"The Government's own Advice Notes make clear that it is more than just combustible cladding that requires urgent remediation. There is no point fixing the cladding, but leaving a building fundamentally unsafe. We believe that there is no reason to fund the remediation of some fire safety defects but not others."*

The HCLGC report demonstrates that fire safety issues in high-rise-residential buildings extend far beyond external wall systems, and that the broad range of issues highlighted by the Inquiry may be found in other high rise residential buildings across the country. This echoes findings by the G15 group of housing associations, which suggest that over half of their remediation costs to date are related to non-cladding problems. Therefore, any proposed solution must take into account a proportionate approach to determining remediation requirements, using a Fire Risk Assessment on a holistic building-by-building basis that is informed by a PAS 9980 appraisal.

It is right that those directly responsible for such issues should bear responsibility for remediation where required. Kingspan has already made this commitment. But given the complexity of issues, the burden should not be borne by just a few industry players. We therefore support a proportionate and equitable funding solution applied across the entire construction industry to fix those wider fire safety issues where those responsible can't or won't pay.

3. Any retrospective change in Government policy on buildings between 11m -18m must involve a Government-led solution.

We welcome the recent PAS 9980 which will lead to holistic and proportionate assessments in buildings of all heights, and we agree that buildings between 11m and 18m should be assessed to PAS 9880 to ensure a resolution for leaseholders.

However, due to the scale and complexities involved we believe it must be a Government-led process. Further, the solution must also be industry-wide as a retrospective change of building regulations is a very challenging scenario from a practical and legal perspective, particularly in instances where buildings may now be found to be deficient which were compliant at the time of construction.

For example:

a. medium rise buildings completed even in the past few years with mineral fibre insulation and HPL cladding, although fully compliant with the building regulation requirements at the time of construction, may now need to be remediated; or
b. medium rise buildings completed in the 1990s may need to be brought up to date to today's safety standards (eg fire doors, sprinklers, smoke ventilation systems) following a Fire Risk Assessment.

Any proposed solution would also need to focus beyond funding, to the complex challenge of the capacity to assess the vast number of buildings in scope in a manner that delivers safe buildings in an accelerated timeline for leaseholders.

We note the Independent Expert Statement in Building Safety in Medium and Lower-rise Blocks of Flats (July 2021) which states that*: "The extent of cladding and other materials on the exterior of buildings varies greatly. The initial results show that not all cladding systems have combustible materials and not all combustible materials in the external wall need to be replaced. We expect that a significant number of buildings that will require further investigation will not require costly remediation to remove unsafe cladding but could be made safe through other more cost effective measures or do not require any work to achieve an appropriate level of safety."* We support the approach outlined by the Government's independent experts to addressing these issues.

In these circumstances the Government is best placed to lead the solution to deliver this policy change.

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Conclusion

Whilst the historical issues in testing, marketing and advice which emerged during the course of the Inquiry had no causative effect on the Grenfell Tower fire, we would once again like to publicly state that we strongly condemn these behaviours which were completely out of character and place in our culture.

We reiterate our commitment above, and first made in February 2021, that Kingspan will pay our share of remediation costs where we have responsibility for the inappropriate use of K15 in a high-rise residential building, and its safe retention cannot be supported by testing.

We are also committed to constructive dialogue and welcome further engagement with our trade associations and the Department.

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