Response ID ANON-Y9G6-K6UK-G

Submitted to Scottish Building Regulations: Fire Safety review and Compliance: Call for Evidence Submitted on 2026-03-27 16:26:09

Fire Safety - A general call for evidence on any aspects of fire safety guidance that requires new guidance and/or clarification

1(a) Are there existing fire safety topics and guidance within the technical handbooks that should be reviewed?

Yes

Comments::

Standard 2.12 – the guidance supporting this standard is lacking detail. For example, it states access for a firefighting (FF) vehicle should be provided to one or more elevations of a building. However, it does not explain the extent of access that has to be provided ie does the appliance require access to all the elevation or only part of it. It then goes onto explain the need for an operating space(s) which suggests that only part of the accessible elevation needs to be capable of accommodating the FF vehicle.

Standard 2.9 (Domestic 2.9.10) – The fourth para of this clause directs you to table 2.4, however it should be table 2.6

Standard 2.1 & 2.2 (Domestic & Non-domestic) – Greater clarity should be provided on acceptable construction details where insulation passes over a separating/compartment wall. The current guidance identifies the substrate as requiring to be A1//2, however, by definition, this doesn't necessarily mean all the components of a built up roof are to be considered as the substrate, it would only be the lowest supporting layer. This could lead to an A1 base layer but combustible insulation creating a flanking path for fire to breach the separating/compartment wall.

Standard 2.9 (Domestic 2.9.12/3) – The guidance does not state that once you enter escape stair it should terminate, directly, to a place of safety. This has led to some projects having the place of safety reached through the protected lobby on the lowest storey. This is a clear risk should the entire building be prompted, or need to, evacuate simultaneously as the fire could be on the lowest storey of the building meaning they leave the relative safety of the escape stair and then move into a potentially higher risk area. In such circumstance, we will direct agents to the guidance offered in https://bregroup.com/insights/getting-lobbies-right-escape-routes where it sets out the importance of escaping direct from the escape stair.

Standard 2.9 (Domestic 2.9.17 non-domestic 2.9.23) – This clause talks about the additional risk a non-domestic building may present to a domestic building that communicates with its escape stair. It calls for a protected lobby and limits the height of a single escape building to 7.5m. It then directs you to additional clauses about protected lobby requirements. The uncertainty is whether ventilation is required to the protected lobby and is due to guidance advising that in low rise domestic building with max 4 flats /storey a protected lobby is not required. Similarly in clause 2.9.23 in the non-domestic handbook, low rise buildings with a single escape stair do not require a protected lobby. Accordingly, in low rise domestic buildings that have a non-dom use connecting to the escape stair requires a protected lobby, however, we cannot find requirements for it to be ventilated.

Standard 2.9 (non-dom 2.9.9) – The guidance advises that to prevent 2 room exits from becoming impassable they should be separated by a distance equalling twice the direction of distance travelled before diverging. Achieving this can be challenging in smaller premises. It would be helpful if the guidance set out alternatives to this criteria, perhaps AFSD as mitigation, clear sight lines?

Standard 2.9 (non-dom 2.9.23) – The guidance identifies that the fire resistance of the wall/door between the escape star and protected lobby requires a short period of fire resistance. However, that advice is contained only in the context of 'Occupants in tall buildings'. The guidance should be amended to clarify that the FR period required is relevant between all escape stairs and protected lobbies, regardless of height.

Annex 2.A.1 (non-dom) - The guidance for residential care homes introduced a requirement for sub-compartmentation and enclosure of fire hazard rooms. Whilst it seems sensible that the roof, floor and wall junctions of these areas should meet the guidance in 2.1.15, the guidance is not explicit that they should. Due to the number of hazard rooms present in residential care homes, this could present design/construction challenges for these projects. Guidance should clarify whether clause 2..1.15 is equally relevant to junctions of sub-compartment elements and fire hazard rooms.

Annex 2.D.2 (non-dom) - Clarification should be provided on the requirement for fire protection to be provided to roof members in a multi-storey portal framed building.

Standard 2.9 (dom) – There are 10 references to a protected corridor in the guidance but there is little detail provided to explain where they are required and where they need to have smoke ventilation.
Clause 2.9.14 advises that ventilation to protected corridors may be required 'in certain circumstances' and directs you to table 2.4. This table must be the wrong table as it offers no clarity.
Clause 2.14.6 advises that ventilation is required in a protected corridor 'where appropriate' and directs you to the table to clause 2.14.2. However, that table does not reference protected corridors, it only references ventilation to stairs and lobbies. Confusingly, there is then a following paragraph that specifically calls for ventilation to 'protected lobbies, protected corridors and firefighting lifts'. Clarification should be provided on when protected corridors require ventilation.

Standard 2.9 (dom 2.9.17) – This clause considers the additional risk presented by a non-domestic use sharing the protected zone of a domestic building.
However in the non-domestic guidance there is only a small statement about mixed use buildings in clause 2.0.3.
We consider the messaging of dom 2.9.17 should also be present in the non-domestic handbooks for consistency and clarity.

Standard 2.9 (Dom 2.9.7) – This clause calls for kitchens to be remote from the exit doors within open plan dwellings. It would be helpful if the guidance brought some clarity of a distance that could be considered as 'remote'. Fire engineered solutions will often provide calculations demonstrating the minimum safe distance that occupants can pass by a kitchen fire, often set in the context of radiated heat. However, this does not account whether the occupants would be prepared to move towards a fire, regardless of the heat output.
BS 9991 provides helpful information on this topic with a clear diagram of an acceptable design.
It is noted that the guidance to 2.9.7 does not feature in the non-domestic guidance for residential accommodation. It seems equally relevant to this building typology.

Further guidance should be provided that assist in interpreting the use of the term ‘remote’ in clause 2.9.7. Consideration should also be given to a similar caveat in non-domestic residential buildings where the presence of a kitchen presents a similar risk to the occupants.

General Feedback – We support review of the topics the consultation has identified as merited for review under 2.4.(battery storage, PV, etc). We also support the topics identified within the submission from LABSS.

1(b) What new fire safety topics should be included in the technical handbooks ?

Comments::

Sleeping Pods - We are receiving many applications for residential buildings where the rooms are provided with multiple sleeping pods.
We consider this type of accommodation brings greater risk than a traditional dormitory style accommodation with bunkbeds, often seen in buildings such as a hostel. The risks are:

- Their construction, often constructed from plywood, incorporating insulation, all of which could contribute to fire growth. They may include powerpoints, in addition to lighting and ventilation, which may be ignition sources.
- They are enclosed and accessed via a hatch. The enclosed nature of the pods mean less opportunity to hear, see or smell the initial stages of fire growth,delaying escape.
- Volume, the nature of the pods mean the opportunity to have a high volume of residents with a room when compared to a similar sized roomcomprising traditional beds.
- Height, we have seen sleeping pods comprising three beds high.

One key clarification would be whether these pods are considered to form part of the building warrant as some are of the opinion they may be considered s elements of furniture, similar to a bunk bed. We believe the risk presented by these pods are such that they should be considered as construction work subject to the building regulations. Specific guidance should be provided that addresses matters such as are they considered inner rooms, should smoke detection / suppression be extended into the units, fire resistance requirements between the unit and the corridor accessing them etc.

Fire resistance and suppression – We have had a number of fire engineered solutions seeking to reduce the period of fire resistance required by Standard 2.3. Standard 2.1 acknowledges the impact suppression can have in containing fire growth and this is reflected in some larger compartment sizes being acceptable. It would be helpful to understand whether Fire Engineered solutions are an acceptable way to reduce fire resistance criteria due to the presence of active systems such as suppression.

Fire Safety - Legal status of the technical handbooks (guidance)

2(a) Are the current mandatory standards and supporting guidance robust, effective and clearly understood to deliver the intended safety outcomes?

Yes

Comments: :

Aside from the topics raised in answer to question 1(a).
Verifiers are clear on the requirement that it is the Standards within the building regulations that must be met and that the supporting guidance provides at least one way in which the Standard may be

met. Accordingly, alternative solutions from that within the guidance may be acceptable provided they meet the relevant Standard of the building regulations.
We also consider that the vast majority of designers also recognise the points made above.

It is perhaps worth reviewing guidance clause 2.9.24 of the domestic handbook. It appears to repeat the guidance in 2.9.17 (mixed uses) and 2.14.8 (evacuation alert systems). It seems this clause serves no real purpose aside from adding some commentary that could be better placed within section
2.0 (Introduction).

2(b) Are the mandatory standards and supporting guidance consistently applied to deliver the intended safety outcomes?

Yes

Comments::

Generally the standards and guidance are consistently applied. However, there will occasionally be the inconsistent application by both verifiers and agents, predominantly when they are applied to existing buildings or buildings undergoing conversion. However, internal quality assurance checks, and the work of LABSS and the SBSH seek to limit the extent of inconsistencies within verifiers.

2(c) Where should improvements be focused when reviewing the mandatory standards and supporting guidance?

Comments: :
The improvements should be as set out in Question 1 above.

There have been multiple revisions to the fire section of the technical handbooks since the introduction of the 2003 Act.
It would be helpful to take stock and understand if some of these revisions merit updates to other standards/guidance that may be impacted by these subsequent changes.
By way of example, the introduction of suppression within flats is likely to influence the extent of a fire growth and spread within a flat. Prior to suppression being introduced it is widely considered that fires in flatted developments, generally, do not spread beyond the flat of origin. That being the case, does the presence of suppression mean that updates to fire fighting requirements should be less onerous. For example, fire fighting vehicle access provision to elevations?

Fire Safety - Compartmentation/external fire spread and the stay put strategy

3(a) Provide comments on risks with compartmentation in retrofit work (conversions) and the mitigation of these which may impact a Stay Put approach.

Comments: :

We are not clear on the information Scottish Government are seeking in regard to this question. The pre-amble to this question appears to be focussed on the risks to compartmentation presented by over-cladding buildings. However, the question introduces the risks presented by conversions.

Over-cladding – The cladding on ‘relevant buildings’ will limit the opportunity for fire spread beyond the flat of fire origin due to its classification. However, the detailing of how that cladding interacts at the junctions of separating/compartment elements must also be considered where cavities are created. Where there are robust measures in place to mitigate the risk of fire breaching existing separating/compartment elements (both the design and the construction) then the stay put policy

remains appropriate. If there is a need to consider the appropriateness of a stay put policy it suggests compliance in respect of the over-cladding is not meeting the building standards.

Conversions – Converting traditional buildings is recognised as being challenging to truly separate the individual flats within a block due to the existence of known and unknown cavities and the presence of combustible materials. There is a stronger case in these types of conversion to consider the appropriateness of a stay put policy regardless of what improvements are made to the building as a consequence of a defined conversion having taken place as the risk of fire spread will be greater than that within a new build block of flats.

3(b) Provide comments on risks with vertical fire spread on external walls breaching compartmentation which may impact a Stay Put approach.

Comments: :

As stated to Q3(a) The cladding on ‘relevant buildings’ will limit the opportunity for fire spread beyond the flat of fire origin due to its classification. However, the detailing of how that cladding interacts at the junctions of separating/compartment elements must also be considered where cavities are created. Where there are robust measures in place to mitigate the risk of fire breaching existing separating/compartment elements (both the design and the construction) then the stay put policy remains appropriate. If there is a need to consider the appropriateness of a stay put policy it suggests compliance in respect of the over-cladding is not meeting the building standards.

4 Do you consider current guidance on ‘evacuation on alert’ and evacuation alert systems to be effective and up to date?

Not sure

Comments: :

The guidance to clause 2.14.8 appears to be comprehensive. It is a relatively new piece of guidance introduced in 2019 and is only called for in domestic buildings over 18m above ground level. As a consequence of those two criteria, I don’t believe its effectiveness has been established.

Similar requirements are called for in England, albeit significantly less detail of the requirements compared to the Scottish guidance. That being the case, perhaps the SFRS and the FRS in England have data/information that will provide greater insight into the effectiveness of the guidance

Fire Safety - Rate of fire spread and means of escape for vulnerable and disabled people

5(a) Do you consider current guidance on escape for vulnerable and disabled people to be effective and up to date?

No

Comments: :

The pre-amble is focussed on dwellings and that is reflected in our response to this question. There are little to no specific provisions of the guidance that are intended to assist vulnerable or a disabled person to escape from a dwelling or domestic building. It seems sensible that consideration be given to introducing similar provisions for temporary waiting spaces and emergency voice communication systems in flatted developments. We would also support consideration of the requirement for evacuation lifts.

It is noted that consideration is being given to the role that a Fire Safety Design Summary could play in this regard. We are uncertain on the benefits these documents provide to either SFRS or the building owner. Research should be commissioned by Scottish Government into the effectiveness of these documents to establish their effectiveness in building safety.

5(b) Is the current guidance easy to understand and consistently applied?

Yes

Comments: :

5(c) What improvements or changes are needed in this area?

Comments: :

As stated in Q5(a)

Fire Safety - Fire strategy/fire safety design summary

6(a) Is the current guidance for fire strategies and fire safety design summaries effective and up to date?

No

Comments: :

Neither fire strategies or fire safety design summaries guidance appear in the Technical Handbooks. There is a small paragraph on FSDS in the Procedural Handbook. Consequently, we consider greater prominence should be given to any guidance on the FSDS and, as stated above, a review is undertaken on their effectiveness.

6(b) Is the current guidance easy to understand and consistently applied?

No

Comments: :

See answer to 6(a)

Fire Safety - Membership of the expert review group

7(a) Do the fire safety working groups have suitable representation and inclusion from across industry and the wider fire sector?

Yes

Comment

s: : no

comment

7(b) Do the fire safety working groups communicate their findings effectively?

Yes

Comments: :

Fire Safety - Regulating the profession of fire engineering

8 Do you have any views or comments on the regulating of the fire engineering profession?

Comments: :

Fire Engineering solutions have became a frequent alternative approach to meeting aspects of Section 2 Fire. Solutions proposed can mean that there are significant differences from the parameters set in the guidance as to what constitutes a compliant solution. It is therefore key that there is assurance on their competence due to the criticality of the life safety design solutions they present for building regulation compliance.
We also note the recommendations from the Grenfell Tower Inquiry Phase 2 report around legally protecting the fire engineering profession, establishing an independent regulator and creating a register of fire engineers.

Whilst Certifiers of Design / Construction are voluntary schemes, both in terms of their creation and use in the building standards system, there may be benefits to considering whether a bespoke mandatory certification scheme could be introduced for all FE solutions (alternatively, only complex solutions). This would tie in to the existing processes we have for the existing schemes both in terms of process, auditing and fee regulations.

Fire Safety - Simple omissions and issues for example outdated references that could maybe be resolved with early revisions

9 Do you think there is a need for any other revisions of the technical handbooks and guidance (Section 2 Fire)?

Yes
Comments: :

Standard 2.15 was recently amended and introduced a new term ‘traditionally constructed’ building. This new term was not introduced through either the Act or a revision to Regulation 2 of the Building (Scot) Regs 2004. It has been introduced through schedule 5 of the building regulations, therefore, its inclusion is more akin to the term ‘private stair’ where it is an explanatory term.
This has introduced confusion into Standard 2.15 due to both its similarity to the existing defined term ‘traditional building’ and the assertion that ‘the defined terms retains the same meaning as traditional building’. Whist the nuance of the new terms inclusion was explained in the dissemination events, it merits clarification within the guidance. Some clarity on this is provided within the recently published Guide to Conversion of Traditional Buildings and something similar could be included in the Technical Handbooks.
From the dissemination event, we understood the new terms was intended to recognise that buildings were constructed in that style beyond the 1919 date referred to in the defined term ‘traditional building’. However, the other standards, where the same principle around the risks construction type, brings appears equally relevant. For example, why would we wish to ignore traditionally constructed buildings in the context of Section 6 due to it being constructed post 1919.
There is also the suggestion the new construction work for extension could be traditionally constructed. We don’t foresee this as a credible design choice other than for a highly unusual extension to, perhaps, a historic building. This reference further introduces ambiguity around what is meant by the new term ‘traditionally constructed’
We should also point out there is no reference to the new term in Appendix A of the Technical Handbooks.

Compliance - The role of the Compliance Plan Manager in legislation

10(a) Do you agree that the Compliance Plan Manager role requires duties and that corresponding offences should be set out in legislation?

Yes

Comments::

Without the legislation, the success of the new CPA relies on guidance which will mean that uptake of the role will be unlikely and the additional assurance of compliance for the relevant person will not be provided for many projects.

10(b) Do you agree that local authority verifiers should be notified if the Relevant Person or their delegates do not act in accordance with the Building (Scotland) Act 2003 and the supporting secondary legislation?

Yes

Comments: :

Otherwise the CPM has not acted in accordance with their duties under the Act and arguably committed an offence (subject to the offences to be attributable to the CPM).

The CPM is meant to confirm the CP has been achieved and would it not be the case that if the RP/delegates have not acted in accordance with the Act, they would not be able to sign off on the CPM?
So, in essence, in the purest delivery of the system, the local authority will be informed by default.

However, if we bear in mind the CPM is an employee of the RP, there may be a reluctance for such reporting?

Important thing to note on this question is the distinction between the local authority role and that of the verifier. It is not the verifiers role to carry out enforcement. The legislation has to be written in the context of the verifier then having a duty to inform the local authority.

Compliance - Procedural principles of the Compliance Plan Approach

11 Do you agree that non-domestic buildings with any storey at a height of more than 11 metres above the ground should be defined as aHigh Risk Building?

Not sure

Comments: :

The consultation does not provide any commentary on this building type as to why it is being considered for inclusion as a defined HRB which would have been helpful to understand the background as to why stakeholders identified this particular building type as meriting inclusion as a HRB.
The trigger height of 11m is identified within the guidance as being attributable to fire fighting and, in particular, the opportunity to apply a water jet from a hose. Whilst this is obviously a factor in effectively fighting fires and facilitating rescue operations, it doesn’t feel that this alone is sufficient to draw comparisons of risk with the existing defined HRB or the ones that follow on from this question.

Whilst height introduces an element of additional risk in the context of escape, it does not feel like this category of building has the same extent of life safety risk as a residential building over 11 m in height as there will be no sleeping risk.
Statistical UK data on fire events in such buildings may provide an evidence base that makes this building type a sensible inclusion as a HRB.

12 Do you agree that enclosed shopping centres should be defined as a High Risk Building?

Yes
Comments: :

These can be densely populated buildings with complex fire engineered solutions to assist in delivering safe escape from the building and firefighting operations. Alterations to these buildings should be considered as meriting being subject to the CPA which will assist in designers that are, perhaps, unfamiliar with the holistic fire strategy, needing to establish that key information in their application.

There may be some smaller shopping centres where the risk is lower an be exempt from the CP approach.

13 Do you agree entertainment venues such as theatres, concert halls and arenas should be defined as a High Risk Building?

Yes

Comments: :

Yes, for the same reasons as the answer to Q12

Compliance - Compliance Plan: pre-warrant stage

14(a) Do you agree with the proposed minimum 12-week timescale for submission to a verifier of an Application for Compliance Plan in Principle for a High Risk Building?

No

Comments: :

It is not clear why a 12 week period has been determined as being the optimum for a pre-application discussion aside from aligning with Planning protocols. The responsibility for compliance rests with the relevant person, as defined, and accordingly, the verifier has no control in how compliance is delivered, just that we carry out reasonable inquiry that compliance is achieved.

Whilst it is helpful for both parties to have an awareness of the role they will play in compliance (CPM role & verifiers reasonable enquiry), we see no significant benefit in early sight or agreement of this.

We believe the outcome of enhanced assurance in compliance could be delivered within the natural cycle of processing the BW. By that we mean, dialogue on compliance can commence on submission of the BW and be completed in advance of granting the BW, as this is the key cut off point where compliance checks begin at the start of construction.

Furthermore, the point at which pre-application discussions will deliver the most value should be determined by the applicant rather than an arbitrary time frame set by legislation. Too early an engagement may mean less meaningful pre-app discussions due to the lack of firmed up detail on design or the makeup of construction team.

14(b) Do you agree that a verifier should only register a building warrant for a High Risk Building after a Compliance Plan in Principle has been issued?

No

Comments: :

As per response to Q 14(a), the key point for all parties to understand the agreed approach to compliance and reasonable enquiry are prior to commencement of the work, not prior to a building warrant submission

Compliance - Compliance Plan: Re-inspection of non-compliant work

15 Should projects that request a site visit without first ensuring compliance through their own checks pay an extra, reasonable fee for reinspection?

Not sure

Comments: :

This question appears to be set in the context of the Compliance Plan approach and, therefore, such checks should be carried out by the contractor/CPM in advance of verifiers carrying out reasonable inquiry if the system works correctly. However, on the basis of the question asked, this may be a complex matter to introduce.

If verifiers inspect work on a HRB and determine compliance has not been achieved, you would expect the CPM would have a role in addressing this, potentially reducing the need for re-inspection. There may also be instances where alternative approaches to reasonable enquiry may be acceptable such as photo’s or video. In such circumstances it may be difficult to determine a proportionate fee.

The number of re-inspections necessary could be influenced by the number of inspections the verifier carries out. For example, the reasonable inquiry inspection plan could be limited to the key stages set out in the plan, alternatively, the verifier may carry out a significant number of unplanned inspections over and above the CP, would this be a factor to be considered in setting fees?
Compliance - Legislation

16 Do you agree that legislation is required to give full effect to the Compliance Plan Approach and role of the Compliance Plan Manager for High Risk Buildings?

Yes

Comments: :

Yes, legislation is key to effective delivery of improved compliance through the role of the CPM. It should also set out their responsibilities and any offences they may be committing should they fail to carry out their role in accordance with the legislation. Likely that the Act and secondary legislation would need amended to capture the role and responsibilities.

About you

What is your name?

Name:
Craig Donnelly

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:
City of Edinburgh Council - Building Standards

Further information about your organisation's response

Please add any additional context:

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

Do you consent to Scottish Government contacting you again in relation to this consultation exercise?

Yes

What is your email address?

Email:
craig.donnelly@edinburg
h.gov.uk

Where did you hear about this consultation?

Other

If other, please say where::
SBSH

Evaluation

How satisfied were you with this consultation?

Slightly satisfied

Please enter comments here.:

How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?

Very satisfied

Please enter comments here.: