



Understanding Issues with Combustible Materials in External Wall Systems in High Rise Residential Buildings and the Impact of EWS1 Forms

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Background

Following the Grenfell Tower fire in June 2017, issues were highlighted into the fire safety of high rise residential buildings.

This led to an Independent Review of Building Regulations and Fire Safety published in May 2018.

The review highlighted a large number of recommendations in relation to the construction of high rise buildings, responsibilities and competence.

The review subsequently led to changes in the Building Regulations with the most recent amendment in November 2020; the changes are quite significant and include reference to selection of materials for External Wall Systems in Requirement B4 – External Fire Spread.

What is EWS1 and when is it needed?

Building Regulations are not applied retrospectively, resulting in an issue with the potential fire safety of existing buildings.

This led to the development of the EWS1 form; which is required to be completed in certain circumstances and is usually required by lenders. The EWS relates to “External Wall Systems”.

The EWS1 form was created by The Royal Institute of Chartered Surveyors (RICS), The Building Societies Association (BSA), and UK Finance. EWS1 requirements from lenders came in to place in December 2019 with the latest revision and guidance coming into effect on the 5th April 2021.

EWS1 forms are requested by lenders

for “high risk” buildings; these are buildings above 18 metres or where there are specific concerns about the external walling systems. The updated form from April 2021 does not mention height so is required wherever a lender requires one. To a large extent to satisfy the requirements of the EWS1 form requires certain elements of the amendments to the Building Regulations to be put in place relating to the construction materials utilised.

The latest RICS guidance states that the valuer/lender has the final say as to whether an EWS1 form is required. Where there is evidence that the building owner has met the advice in the Consolidated Advice Note (Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings), or that that a building over 18 metres has a valid building control certificate in accordance with The Building (Amendment) Regulations 2018, an EWS1 form should not be required.

A signed EWS1 form is normally valid for a period of 5 years.

What is the impact of EWS1 Forms on Leaseholders and Property Owners?

The EWS1 form typically applies to the whole of a building, not an individual flat or apartment. Where a leaseholder or property owner looks to sell or re-finance then the form would be required; there is also potentially impact on other arrangements such as insurance. This requires therefore co-operation between the leaseholders.

The EWS1 form has to be completed by a “competent person” this would be someone with relevant construction qualifications such as IFE, RICS, RIBA etc.



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The survey required includes intrusive sampling and testing of façade materials.

There are two options on the form, option A is where there are no combustible elements in the construction* other than an attachment (e.g. balcony) and option B is where there are known combustible elements in the primary structure of the external wall systems. Option B requires a higher level of expertise in assessing the fire risk; generally this would be an incorporated or chartered member of the Institute of Fire Engineers (IFE).

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**Some permitted exceptions such as insulating material in brick cavities are possible.*

What are the Common Issues

Many buildings have been either constructed recently or subsequently amended with consideration of the environmental performance of the building.

Many commonly used building materials are selected for their insulating properties, cost and ease of use but are not non-combustible.

There are many buildings which, whilst meeting the building regulations at the time of construction, will contain combustible materials in the external wall system. These can be insulated panels, timber cladding, balconies etc.

The only way to meet the requirement of EWS1 (option A) is to replace the combustible items with non-combustible materials. This can be exceptionally costly and has to be funded by the leaseholder or property owner unless the government funding can be accessed*. Some elements such as balconies would not be covered under government schemes; these would need to be funded by the leaseholder/property owner although there are some options, such as the use of intumescent varnishes, which may be acceptable (although possibly as a short term solution).

**Government funding was originally intended to cover required remedial works to buildings with ACM cladding (similar to Grenfell) but there remains some uncertainty as to what level of remedial works will be funded through the scheme. There is a lengthy period between application and allocation of funding.*

Managing the Risks

To allow leaseholders to sell or re-mortgage their flats it is desirable in some instances to have a valid EWS1 form in place.

The first stage is to verify whether the costs associated with obtaining an EWS1 form are recoverable. Once you have done this you will need to have a survey undertaken to ascertain the levels of remedial action required and how they will be approached (e.g. application for government funding, from existing leaseholder funding or from collection of new funding from leaseholders).

Clearly, there is likely to be an interim phase between the identification of the issues and the completion of the remedial measures, particularly in consideration of the factors of government funding and leaseholder co-operation.

There may be measures which are required in the interim such as changing from a stay put policy to a simultaneous evacuation strategy which will need to be accompanied by the installation of a common fire alarm system or waking watch* and evacuation management. These would all need to be considered by the responsible persons; they should be highlighted in the surveys undertaken by the competent persons.

A clear strategy and timeline for correction needs to then be put in place. The challenge is that the EWS1 form can only be signed off once the remedial work has been completed which can be frustrating for leaseholders and/or property owners who are looking to sell or alter financial arrangements.

**Waking watch systems are normally required prior to a Common fire alarm system being installed. In December 2020 the government announced a £30m Waking Watch Relief Fund to assist leaseholders facing excessive waking watch bills.*

More information on changing to a simultaneous evacuation strategy and waking watch can be found in the NFCC's Simultaneous Evacuation Guidance which was developed in consultation with ARMA.