



TCPA parliamentary briefing: Putting people's health at the heart of the Building Safety Bill via 'safe and healthy homes principles'

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Summary

[The draft Building Safety Bill](#), which was published in July and recently underwent pre-legislative scrutiny from the HCLG Committee, is a milestone in the government's response to the Grenfell Tower disaster. But the committee's scrutiny has revealed that the bill has some [important shortcomings](#). It also fails to fully grasp the opportunity to place people's health and wellbeing at the heart of how we regulate the built environment.

This briefing sets out how the TCPA's ['healthy homes principles'](#), if inserted into the Building Safety Bill, could secure a lasting change that would benefit people's health, reduce costs to the NHS and social care budgets, and simplify the regulatory landscape.

The 2020 Building Safety Bill

The short title of the draft Building Safety Bill states that its purpose is to **'Make provision about the safety of people in or about buildings and the standard of buildings'**. In fact, the contents of the bill are tightly focused on fire safety in buildings over 18 metres in height. The draft bill creates a new building safety regulator with extensive powers and responsibilities in the development process, reflecting some of the recommendations of the Hackitt Review. The bill also creates a new homes ombudsman with responsibility for quality in new build properties.

While the intent of the draft bill has been welcomed there have been reservations about its limited scope in [dealing with refurbishments](#) and on the weakness of the ombudsman in providing meaningful redress to new homeowners. For example, the bill is silent on the principles to be applied by the ombudsman on the standards new build property should achieve. This is to be left to be an agreement with the industry.

The current content of the bill falls far short of securing safe environments for people. The 'safety of people' can be defined as an absence of risk, and a number of clear risks are not dealt with in the draft legislation. These factors include air pollution, basic space standards and access to natural light.

Minimising risks so that people are not harmed by the places in which they live should be the basic ambition of the bill, but there is plainly a strong case for going further to secure homes and neighbourhoods which positively enhance people's health and wellbeing.

The case for change

Three sets of evidence make a powerful case for expanding the ambition of the Building Safety Bill, and fundamentally changing our approach to regulating the quality of new homes and neighbourhoods:

1. **Building for health:** There is overwhelming evidence of the relationship between people's mental and physical health and the design of their homes and neighbourhoods. This is set out by [Public Health England](#) and includes a wide range of factors, from the need for active travel and walkable streets, to reducing air pollution, to minimum space, accessibility and light standards. Ensuring a high standard of new homes and neighbourhoods has a significant long-term cost saving to the NHS and social care budgets. Substandard housing costs the NHS somewhere in the region of [£1.4bn a year](#).
2. **Fragmented regulation:** The way we regulate the built environment in England is fragmented and lacks an overall unifying purpose. For example, building regulations, which provide for controls over the fabric of buildings, are poorly related to the planning system, which concerns important wider considerations like location and design. Both regimes are porous and in many cases they do not set minimum standards on issues which are critically important to people's health. Amongst this complex legislation there is no overall objective or duty to promote the health and wellbeing of people.
3. **Deregulation:** While significant improvements are being considered to fire safety there has been a parallel process of deregulating the planning system. The best example of this has been the increase in 'permitted development' so that a wide range of buildings can be converted into homes without the need for full planning permission. Permitted development was radically expanded in the same month that the Building Safety Bill was published. We estimate that somewhere in the region of 100,000 housing units have been produced through this regime, many of which, the [government's own evidence](#) demonstrates, are of extremely poor quality and very badly located.

Taken together, this evidence suggests that we urgently need a new approach to securing homes and neighbourhoods which promote health and wellbeing.

The healthy homes principles

Through its [Healthy Homes Act campaign](#), TCPA has made the case for the [adoption in primary legislation](#) of a set of 'healthy homes principles', along with a powerful new duty on the Secretary of State to ensure people's health is a core priority for policy and regulation.

The principles define at a high level what constitutes a safe and healthy home. They concern basic and common-sense needs such as access to green space and natural light, accessibility, safety from crime and a walkable streetscape. The public would be shocked to realise that there are currently no legally enforceable minimum standards for many of these issues.

Overall, the principles provide a new single unified approach to the regulation of the built environment, and ensure that the starting point for all forms of relevant regulation and policy would always be the health, safety, and the wellbeing of people.

Changes needed to the Building Safety Bill

In order to fulfil the ambition of securing a lasting improvement in people's health, safety, and wellbeing the TCPA strongly recommends inserting an entire new Part 1A into the draft

legislation. This part would contain 'safe and healthy homes principles' and the necessary duties to ensure their effective implementation. The draft amendment to Building Safety Bill which achieves this objective is set out below.

Draft amendment

This amendment inserts a new clause at the beginning of the Building Safety Bill which sets out the safe and healthy homes principles, necessary duties to ensure their implementation, and a new duty which provides the overall framing for this regulatory approach.

The precise amendment required will depend on final form of the bill introduced to parliament, but it would involve inserting a new section at the beginning the bill.

In Part 1 of Building Safety Bill insert the following new clauses:

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.

