



The Building Safety Bill: A simple amendment to put health at its heart and secure real change

Summary

There is clear evidence that our mental and physical health depends on the quality of our homes and communities. The Building Safety Bill is a once in a generation opportunity to secure healthy places which enhance people's life chances. So far that opportunity has not been realised because the bill focuses on only a narrow definition of safety and for only a minority of buildings.

This briefing sets out how a simple amendment to the Building Safety Bill could secure a lasting change that would transform people's health, reduce costs to the health and social care budgets, and simplify housing and planning regulations.

Context

There are far too many examples of poor housing being built to the wrong standards and in the wrong places. The Grenfell disaster is a tragic example of the costs to people of getting regulation wrong. What is deeply concerning is that wider lesson, that people's health and wellbeing should be starting point for regulation, has not been learnt. The Government's radical deregulation of planning is allowing the conversion of thousands of industrial and commercial units to flats without planning permission. We are building the 'slums of the future'. The consequences for people's health will be with us all for decades.

In November 2021 the TCPA wrote to the Secretary of State, the Rt. Hon. Michael Gove MP, to highlight how crucial improving the quality of new homes is to the Government's priorities for Levelling Up. Housing is a key determinant of human health and health inequality. Those on lowest incomes suffer the worst housing conditions, live with the highest levels of pollution and would, therefore, benefit most from comprehensive minimum design standards.

The Building Safety Bill

The objective of the Bill is to "make provision about the safety of people in or about buildings". At present the Bill fails to meet this ambition. It is focused on tall buildings at risk of fire. This is a vital priority, but it neglects a huge range of other health issues and risks. If the 'safety of people' can be defined as [an absence of risk](#), then why are these not dealt with in the Bill? Air pollution, flooding, cramped space, lack of access to natural light, and even other immediate risks, such as fire in other at-risk types of

building, are all crucial risks that the Bill fails to address. Minimising risks so that people are not harmed by the places in which they live is vital, but given the potential benefits across society, there is a compelling case for a regulatory system that **positively enhances** people's health and wellbeing.

The case for change

Taking a new approach to regulation based on human health and wellbeing would improve people's quality of life, particularly those on low incomes. It could also generate major savings for the health care system. 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 structural and place-based factors, from the need for active travel and walkable streets, to reducing air pollution, to minimum space, accessibility and light standards. [Research by BRE](#) has found that substandard housing costs the NHS somewhere in the region of £1.4bn a year.

The Healthy Homes campaign and Principles

The TCPA, Lord Nigel Crisp, and its coalition partners have made the case for the adoption in primary legislation of a set of 'Healthy Homes Principles' (see page four of this briefing), 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 such crucial issues. The TCPA and Lord Crisp's proposed [Healthy Homes Bill](#) requires the Government to develop and enforce these for each of the Principles.

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

We recognise that the Government has so far rejected the widespread concern, expressed during Committee Stage in the House of Commons, about the need to reflect broader health considerations in the legislation, despite this being clearly within the scope of the Bill. As a result, we are proposing a short amendment which clarifies the existing meaning of 'safety' contained in the Bill to ensure it includes human health and wellbeing.

While 'safety' is currently undefined in the Bill, the **'safety of people' is generally defined as an absence of health risks or harms**. Both 'health' and 'wellbeing' have definitions in UK legislation, so their insertion into law would not be novel. The

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proposed amendment would make clear that the Building Safety Regulator had a duty to secure human health and wellbeing in relation to all aspects of the built environment – not only in relation to tall buildings at risk of fire. Both of these changes can be easily made via an amendment to insert a new subclause (6) to clause 3:

“(6) In this Part “safety” means freedom from the risk of harm arising from the location, construction or operation of buildings which may injure the health and wellbeing of the individual.”

Lord Nigel Crisp will be proposing this amendment after the second reading of the Bill in the House of Lords.

The Building Safety Bill is an opportunity to fundamentally change the way we deliver homes and places with multiple benefits to people and, by enabling healthy lifestyles, to reduce long term costs to the health service and social care budgets. Putting health at the heart of decision making would be a positive legacy from the challenges of the pandemic, a genuine response to tragedy of Grenfell, and fulfil the ambition at the heart of the levelling up agenda.

Further information

This briefing is a short summary of the TCPA’s and Lord Crisp’s analysis of the Building Safety Bill and need for regulatory reform.

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ALL NEWHOMES



...**must be safe** in relation to the risk of fire



...**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



...**must have** access to natural light in all main living areas and bedrooms



...**and their surroundings** must be designed to be inclusive, accessible, and adaptable to suit the needs of all



...**should be built** within places that prioritise and provide access to sustainable transport and walkable services, including green infrastructure and play space



...**must secure** radical reductions in carbon emissions in line with the provisions of the Climate Change Act 2008



...**must demonstrate** how they will be resilient to a changing climate over their full life time



...**must be built** to design out crime and be secure



...**must be free** from unacceptable and intrusive noise and light pollution



...**must minimise** and not contribute to unsafe or illegal levels of indoor or ambient air pollution



...**must be designed** to provide year-round thermal comfort for inhabitants