

BUILDING SAFETY ACT UPDATE

Presentation to University Design Forum

December 2025

Values Moment from Phase 2 Inquiry Report & Government Response



“Regrettably, the Grenfell Tower refurbishment was marked by a serious lack of competence on the part of many of those engaged on it and, in the case of some manufacturers of construction products, outright dishonesty.”



“What we have observed in the course of the evidence has led us to the conclusion that there is not only a need to improve the education and training of those involved in the construction industry but also a change in approach on the part of all concerned which prioritises safety over speed and cost and lays much greater emphasis on an understanding of the regulatory regime and its purpose.”

Main Conclusions...

01

Contract, Scope and Obligations.

In our view, **such a casual approach to contractual relations is a recipe for disaster if events take an unexpected turn.** All those involved in whatever capacity in a complex project need to understand clearly what they have agreed to do and what they are responsible for. **What appears to be a widespread culture of getting on with the job without waiting for terms to be formally agreed is unprofessional and likely to result in a failure by those carrying out the work on site to understand the scope of their responsibilities.**

02

Competence

In our view there is a **great deal to be done to raise the overall level of competence of those in the construction industry.** They need to have a **better knowledge and understanding of the regulatory regime** and how it applies to the work they are carrying out. The disaster at Grenfell Tower has shown that **it is not safe to assume without question that the way things have been done in the past is safe or satisfactory.** A greater degree of scrutiny is called for, as is a better understanding of the function of building control.

03

Failure to identify responsibilities

There was a failure to establish clearly who was responsible for what, including who was responsible for ensuring that the designs were compliant with statutory requirements. **That eventually resulted in the unedifying "merry-go-round of buck-passing" in which the construction professionals all pointed the finger at each other as being the person whose responsibility it was to make one or other of the critical decisions.**

04

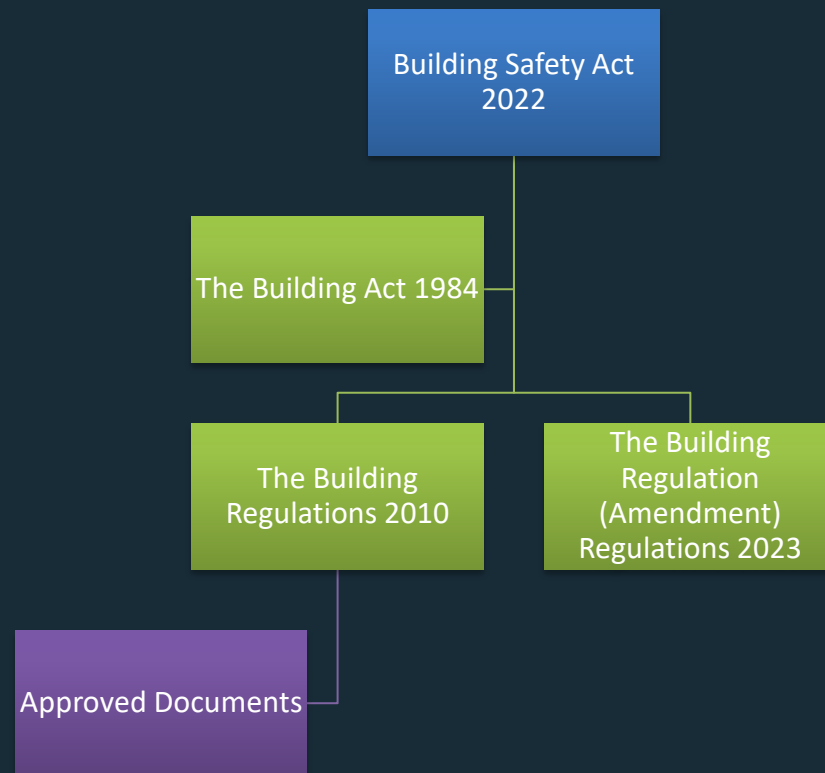
The Role of the Client

One conclusion that emerges clearly from the evidence is that the **TMO was unduly concerned with reducing costs.** From the outset the TMO was struggling to keep the project within budget. As the costs rose, it was dependent on the council for additional funds and from time to time they were made available, **but still the TMO looked for reductions in the cost of the project rather than go back to the council for more money.** The decision to appoint Studio E was driven in a large measure by a desire to keep the costs down.

ALL BUILDINGS

The Legislation – All Construction Projects

The Building Safety Act applies to all projects where the Building Regulations apply and the management of existing High Risk Buildings



Building Regulations changes

In addition to new legislation there are amendments to the existing Building Regulations. The key changes apply to **all projects** where more than one contractor is appointed.

The changes include;

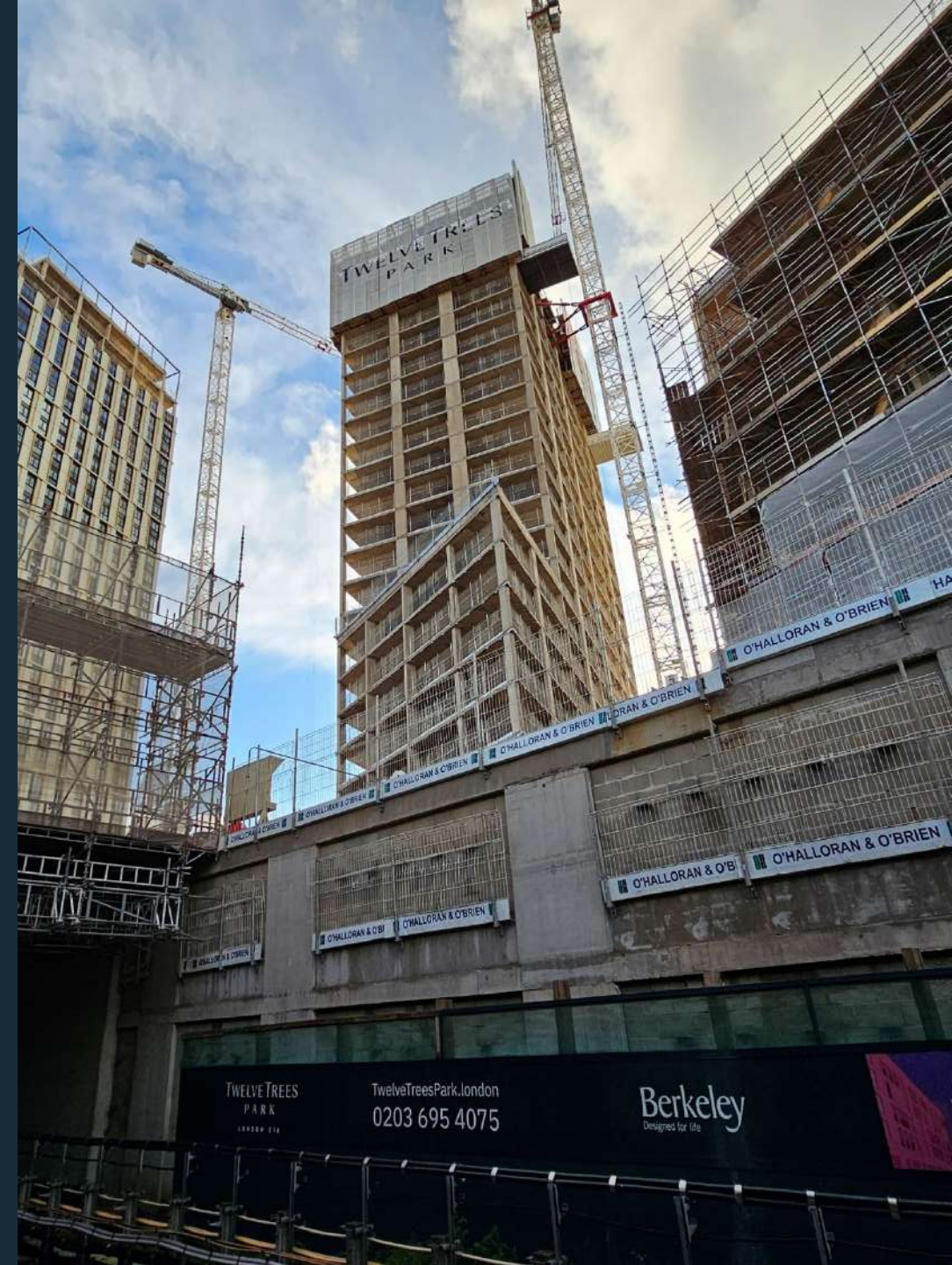
- New duties for Clients, Designers and Contractors
- New duties holders including the Principal Designer and Principal Contractor (same names but different duties to those under CDM 2015)
- Greater requirements to demonstrate competency for all
- New duties to ensure supervision and monitoring for those working on projects but still in training

BUILDING REGULATIONS PRINCIPAL DESIGNER

Planning, managing, monitoring and coordinating design work, so that if it were built, it would be in **compliance with all relevant requirements**

CDM PRINCIPAL DESIGNER

Planning, managing, monitoring and coordinating the pre-construction design phase so that the project is carried out minimising **risks to health and safety**



Exempt Works

Works are exempt from the requirements of Part 2a of the Building Regulation (Amendment) Regulations where they

- Works identified under Schedule 2 (below) of the Building Regulations – Classes 1-7 building Types
- Works identified under Schedule 3 (Competent Persons scheme / Self Certification & 4 of the Building Regulations 2010 – Minor Works

Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7
Buildings controlled under other legislation 1. Any building in which explosives are manufactured or stored under a licence granted under the Manufacture and Storage of Explosives Regulations 2005(1). 2. Any building (other than a building containing a dwelling or a building used for office or canteen accommodation) erected on a site in respect of which a licence under the Nuclear Installations Act 1965(2) is for the time being in force. 3. A building included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979(3).	Buildings not frequented by people 1. Subject to paragraph 2, a detached building— (a) into which people do not normally go; or (b) into which people go only intermittently and then only for the purpose of inspecting or maintaining fixed plant or machinery. 2. The description of buildings in paragraph 1 does not include a building where any point of the building is less than one and a half times its height from— (a) any point of a building into which people can or do normally go; or (b) the nearest point of the boundary of the curtilage of that building, whichever is the nearer.	Greenhouses and agricultural buildings 1. Subject to paragraph 3, a greenhouse. 2. A building used, subject to paragraph 3, for agriculture, or a building principally for the keeping of animals, provided in each case that— (a) no part of the building is used as a dwelling; (b) no point of the building is less than one and a half times its height from any point of a building which contains sleeping accommodation; and (c) the building is provided with a fire exit which is not more than 30 metres from any point in the building. 3. The descriptions of buildings in paragraphs 1 and 2 do not include a greenhouse or a building used for agriculture if the principal purpose for which they are used is retailing, packing or exhibiting. 4. In paragraph 2, "agriculture" includes horticulture, fruit growing, the growing of plants for seed and fish farming.	Temporary buildings A building which is not intended to remain where it is erected for more than 28 days.	Ancillary buildings 1. A building on a site, being a building which is intended to be used only in connection with the disposal of buildings or building plots on that site. 2. A building on the site of construction or civil engineering works, which is intended to be used only during the course of those works and contains no sleeping accommodation. 3. A building, other than a building containing a dwelling or used as an office or showroom, erected for use on the site of and in connection with a mine or quarry.	Small detached buildings 1. A detached single storey building, having a floor area which does not exceed 30m², which contains no sleeping accommodation and is a building— (a) no point of which is less than one metre from the boundary of its curtilage; or (b) which is constructed substantially of non-combustible material. 2. A detached building designed and intended to shelter people from the effects of nuclear, chemical or conventional weapons, and not used for any other purpose, if— (a) its floor area does not exceed 30m²; and (b) the excavation for the building is no closer to any exposed part of another building or structure than a distance equal to the depth of the excavation plus one metre. 3. A detached building, having a floor area which does not exceed 15m², which contains no sleeping accommodation.	Extensions The extension of a building by the addition at ground level of— (a) a conservatory, porch, covered yard or covered way; or (b) a carport open on at least two sides; where the floor area of that extension does not exceed 30m², provided that in the case of a conservatory or porch which is wholly or partly glazed, the glazing satisfies the requirements of Part N of Schedule 1.

Clients

Building Regulations (Amendments) Regulations 2023 - Reg 11A & E – (1)

Must make suitable arrangements for **planning, managing and monitoring** a project (including allocation of **sufficient time and other resources**) so as to ensure compliance with all relevant requirements.

Arrangements are suitable if;

- Design work carried out, if built, would be in compliance with all relevant requirements
- Ensure building work is carried out in accordance with all relevant requirements
- Enable designers and contractors to cooperate with each other

Arrangements need to be managed throughout the project

Clients must provide building information as soon as practicable to every designer and contractor

Must take all reasonable steps to satisfy themselves that the persons they are appointing fulfils the requirements in regulation 11F(1) and (2) (competence: general requirement)

Where there is more than one contractor, or it is reasonably foreseeable that more than one contractor will be working, **appoint:**

- A designer with control over the design work as the **principal designer** for the purposes of these Regulations
- A contractor with control over the building work as the **principal contractor** for the purposes of these Regulation

Failure to appoint PD at the project outset will result in the role defaulting to the client.

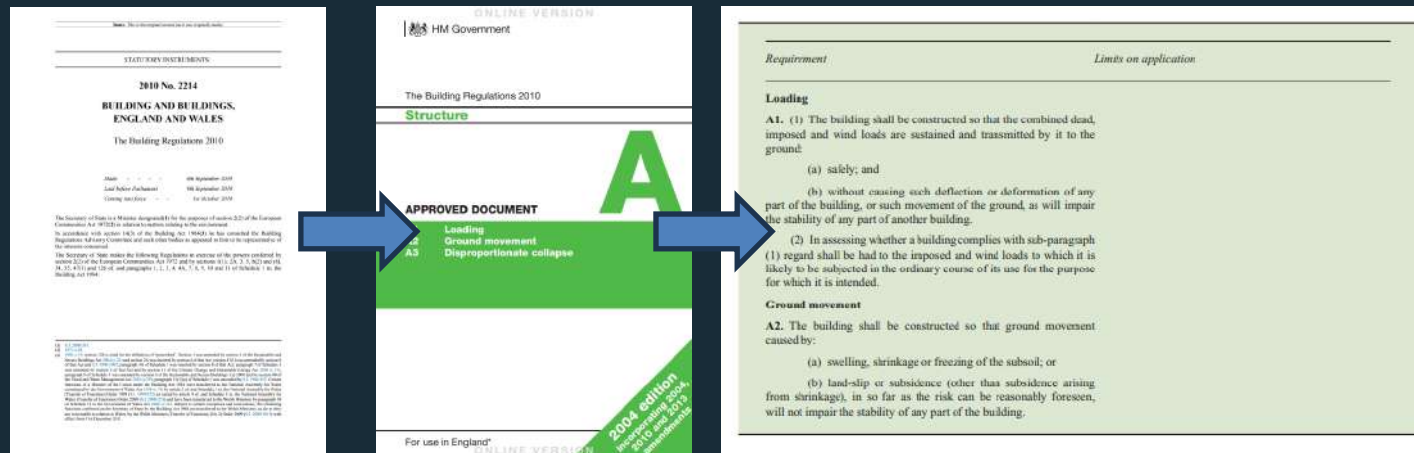
<https://www.legislation.gov.uk/ukxi/2023/911/regulation/6/made>



What is a relevant requirement?

The term **all relevant requirements** is used throughout the secondary legislation. This means **all** the Building Regulations **requirements** that are **relevant** to the works.

The **requirements** are set out in the Building Regulations 2010 and Schedule 1 and are included at the beginning of each Part of the Approved Documents, for example:



Which **requirements** relate to which type of work is complex, particularly for alterations and material changes in use and is set out in Regulations 5 & 6.

On each project, designers and the BSA PDs should assess which **relevant requirements** apply to the design and monitor the design development to ensure they are complied with.

AtkinsRéalis Relevant Requirements Compliance Tracker Template

Project Number:		Project Name:		Relevant Requirements for New Build								RACI Matrix								Compliance Methodology				Summary of Compliance											
Principal Designer: AtkinsRéalis Individual who has the task of managing AtkinsRéalis's functions as the principal designer: How to use this Tracker 1. Make a copy for your project 2. Confirm the Relevant Requirements for your project - these will depend on building use and the works that are being undertaken 3. For ease of use delete/hide the rows containing non-Relevant Requirements 4. Initially discuss and agree compliance methodology (e.g. AD or other such as BS9999) with the Accountable Discipline 5. Towards the end of each RIBA Stage request evidence of compliance from Accountable Discipline (e.g. reference to specific sections of their stage reports). The level of detail for such evidence should be appropriate for the stage and if not appropriate (e.g. Part K5 at Stage 2) indicate as such														Residential (Dwellings)	Residential (institutional & other)	Residential - relevant building (over 10m)	Office	Shop and commercial	Assembly and recreation	Schools	Industrial	Storage and other non-residential	Architecture	Building Structure / Civils	Building Services	Fire Consultant	Facade Consultant	Acoustic Consultant	Building Physics	Landscape	Transportation/Service Engineering	Please include requirements to evidence compliance with the Building Regulations e.g. drawings, specifications, calculations, surveys, reports etc.			
Reg. Materials		Materials and Workmanship		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
A Structure				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
A1 Loading				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
A2 Ground Movement				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
A3 Disproportionate collapse				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
B Fire Safety																																			
Volume 1 - Dwellings and blocks of flats																																			
E1 Means of warning and escape				✓	✓	✓																													
E2 Internal fire spread (linings)				✓	✓	✓																													
E3 Internal fire spread (structure)				✓	✓	✓																													
E4 External fire spread				✓	✓	✓																													
Reg 7 Non-combustible facades				✓	✓	✓																													
E5 Access and facilities for the fire services				✓	✓	✓																													
Reg 38 Fire Safety Information (for buildings that FFRD 2005 applies)					✓	✓																													
Volume 2 - Buildings other than dwellings																																			
E1 Means of warning and escape							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
E2 Internal fire spread (linings)							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
E3 Internal fire spread (structure)							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
E4 External fire spread							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
Reg 7 Non-combustible facades							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
E5 Access and facilities for the fire services							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
Reg 38 Fire Safety Information (for buildings that FFRD 2005 applies)							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
C Site preparation and resistance to contaminants and moisture																																			
C1 Site preparation and resistance to contaminants				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
C2 Resistance to moisture																																			
D Cavity insulation																																			
D1 Cavity insulation				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
E Resistance to the passage of sound																																			
E1 Protection against sound from other parts of the building and adjoining buildings				✓	✓	✓																													
E2 Protection against sound within a dwelling-house etc				✓	✓	✓																													
E3 Reverberation in the common internal parts of residential buildings				✓	✓	✓																													
E4 Acoustic conditions in schools																																			
F Ventilation																																			
Volume 1 - Dwellings																																			
F1 & reg 39, 42 & 44 Means of ventilation				✓	✓	✓																													
Volume 2 - Buildings other than dwellings																																			
F1 & reg 39 & 44 Means of ventilation							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
G Sanitation, hot water safety and water efficiency																																			
G1 Cold water supply				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
G2 Water efficiency				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
Reg 36 Water efficiency in New Dwellings				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
G3 Hot water supply and systems				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																
G4 Sanitation, showering and washing facilities				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																

AtkinsRéalis Relevant Requirements Compliance Tracker Template

Project Name: WSCC School Extension									AtkinsRéalis 	
Principal Designer: AtkinsRéalis										
	Relevant Requirement			Design Review			Design sign-off			
Item	Approved Document / Relevant Requirements (e.g. British Standards)	Section	Title	Evidence of Compliance	BRPD Input / Comment	Designer Input / Comment	Item Status - Open / Closed / Ongoing	Design Owner	Item Closed Date	
Fire Safety: Approved Document B										
2.00 Design Review Comment										
2.01	The building shall be designed and constructed so that there are appropriate provisions for the early warning of fire, and appropriate means of escape in case of fire from the building to a place of safety outside the building capable of being safely and effectively used at all material times.	B1	Means of Warning & Escape				Open			
2.02	(1) To inhibit the spread of fire within the building, the internal linings shall: (a) adequately resist the spread of flame over their surfaces; and (b) have, if ignited, either a rate of heat release of a rate of fire growth, which is reasonable in the circumstances. (2) In this paragraph "internal linings" means the materials or products used in lining any partition, wall, ceiling or other internal structure.	B2	Internal Fire Spread (Linings)				Open			
2.03	(1) The building shall be designed and constructed so that, in the event of fire, its stability will be maintained for a reasonable period. (2) A wall common to two or more buildings shall be designed and constructed so that it adequately resists the spread of fire between those buildings. (3) Where reasonably necessary to inhibit the spread of fire within the building, measures shall be taken, to an extent appropriate to the size and intended use of the building, comprising either or both the following: (a) sub-division of the building with fire-resisting construction; (b) installation of suitable automatic fire suppression systems (4) The building shall be designed and constructed so that the unseen spread of fire and smoke within concealed spaces in its structure and fabric is inhibited.	B3	Internal Fire Spread (Structure)				Closed			
2.04	(1) The external walls of the building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building. (2) The roof of the building shall adequately resist the spread of fire over the roof and from one building to another, having regards to the use and position of the building.	B4	External Fire Spread				Closed			
2.05	The Building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life	B5	Access and facilities for the fire services				Closed			

Principal Designer

Building Regulations (Amendments) Regulations 2023 – Reg 11M

Must **plan, manage and monitor** the design work during the design phase and **coordinate** matters relating to the design work so that all reasonable steps are taken to ensure that the design is **in compliance with all relevant requirements**.

Must ensure that designers **cooperate** with the client, the principal designer, the principal contractor and each other

Must ensure that designers comply with the duties under these Regulations.

Must liaise with the principal contractor and **share information** relevant to the planning, management and monitoring of the building work, and the coordination of building work and design work for the purpose of ensuring compliance with all relevant requirements.

Must have regard to comments from the principal contractor relation to compliance with the relevant requirements.

Must **assist the client in providing information** to other designers and contractors.

The Principal Designer can be undertaken by an individual or an organisation. If undertaken by an organisation, **an individual needs to be named** and designated to ensure the duties of the BSA PD are fulfilled.

Failure to appoint PD at the project outset will result in the role defaulting to the client.

<https://www.legislation.gov.uk/ukxi/2023/911/regulation/6/made>



Principle Designer Appointment

Key Considerations

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- Insurance considerations
- Must be a direct client appointment
If novating, the role would need to change from PD to PD advisor



HIGHER RISK BUILDINGS

What is an HRB?

Buildings of at least 18m, or at least 7 storeys (whichever is reached first); and which contain, two or more residential units (house, flat or serviced apartments, care homes, hospitals)

This includes (shared accommodation) student accommodation and supported accommodation.

Care homes and hospitals will be classified as Higher-Risk Buildings and will be subject to far more stringent requirements to ensure they are being planned, designed, built and managed safely. Note in occupation, care homes and hospitals fall under the Care Quality Commission.

The Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023

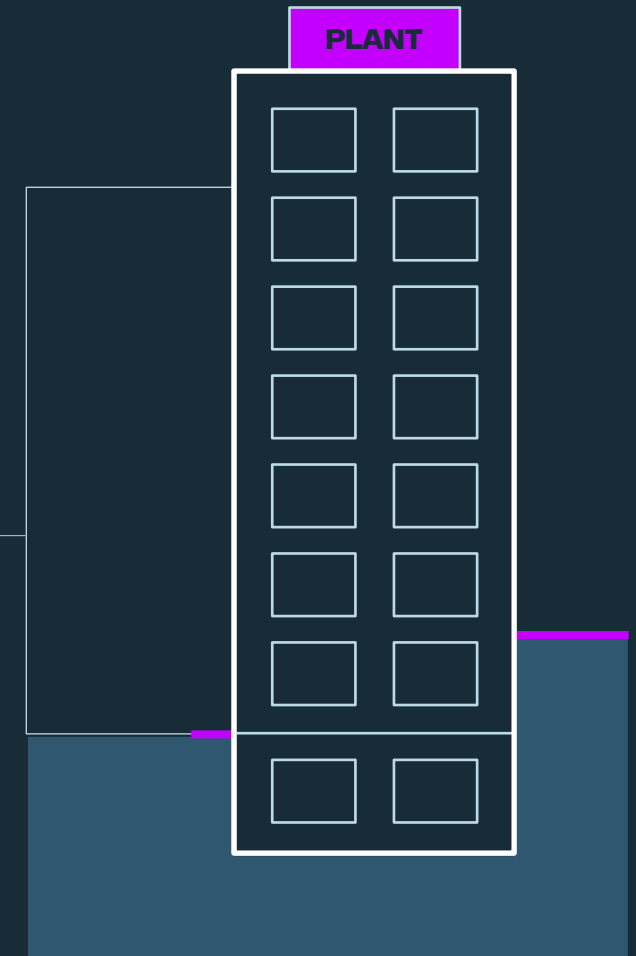
1. Criteria for determining whether a new building that is being designed and constructed is a "higher-risk building"

2. Guidance criteria for being a higher risk building during the occupation phase of the new higher risk regime

Measurement of building

Height of the top storey
excludes roof top plant areas
and any top storeys consisting
exclusively of plant rooms
Basement levels are excluded

Height of top storey is measured
from the upper floor surface of
the top storey to the ground in
the lowest side of the building



What is a Building?

Regulation 4: Definition of a 'Building', an 'Independent Structure' and 'Wider Building'

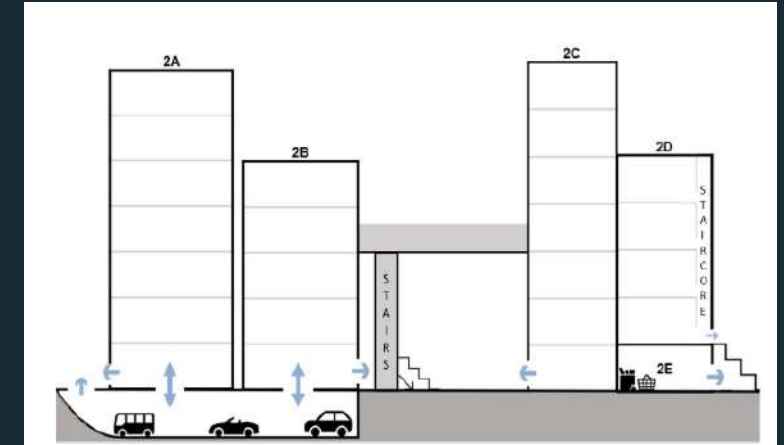
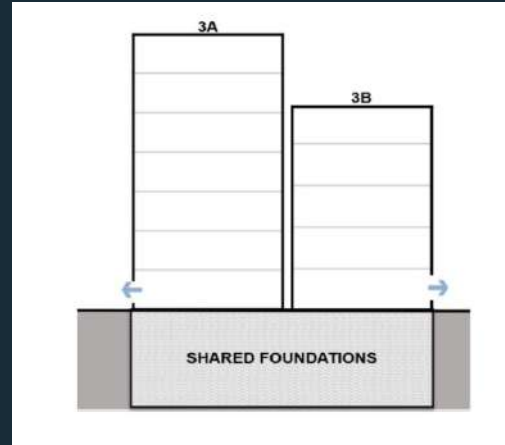
Whilst the definition of a 'Building' and 'Independent Structure' are included within Regulation 4, the interpretation of the definitions are different for new build and buildings in occupation.

New Build: For the design and construction of new buildings, an overall structure cannot be split into independent sections. Where a proposed building comprises multiple attached structures, those multiple structures joined together are collectively one higher-risk building. This means a higher-risk building may be a wider development or complex. This is the case even when one or more attached structures do not meet the height or number of storeys or use criteria. Provided the height or storeys threshold and the use criteria are met within the overall set of structures, then the overall set of structures is a higher-risk building. Once the proposed building is complete, you may be able to split the overall structure into independent sections for the occupation part of the higher-risk regime.

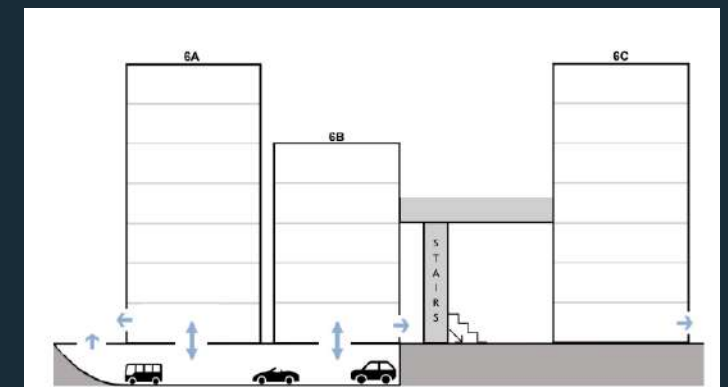
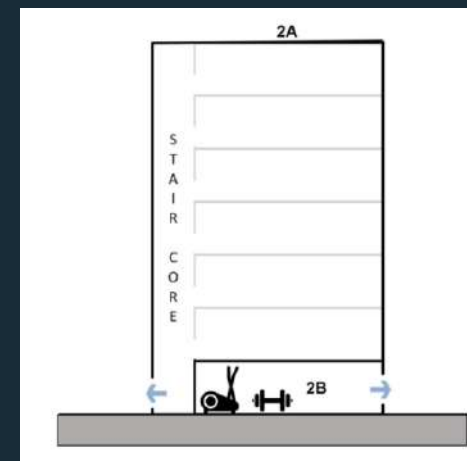
In Occupation: For an overall structure to contain independent sections, not every part needs to meet the independent section criteria. Provided the part of the overall structure you are assessing meets the criteria to be an independent section, it is an independent section, and, therefore, its own building. You will then need to assess whether it is also a higher-risk building against the height or storeys threshold and use criteria.

To help assess whether part of an overall structure you are responsible for can be considered an independent section, you should consider whether that section:

1. has its own entrance and exit to the outside, accessible from anywhere within that section and;
2. Either a. has no access to any other section within the overall structure or; b. only has access to another section of the overall structure which does not contain a residential unit.



1. Criteria for determining whether a new building that is being designed and constructed is a "higher-risk building"



2. Guidance criteria for being a higher risk building during the occupation phase of the new higher risk regime

How to measure a buildings height....

Regulation 5: sets out the method for measuring height.

Regulation 6: sets out the method for counting stories

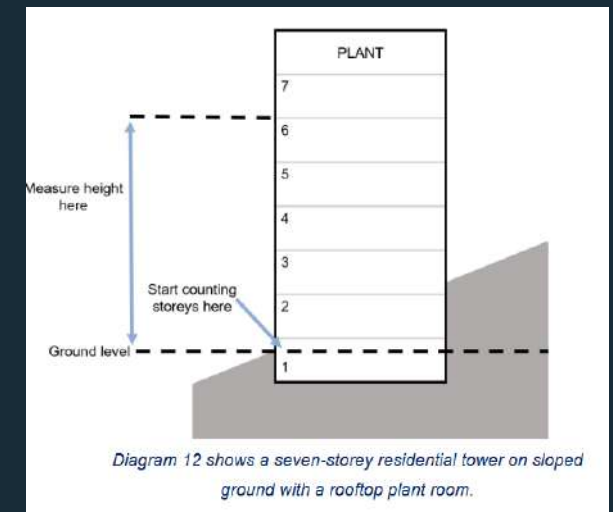
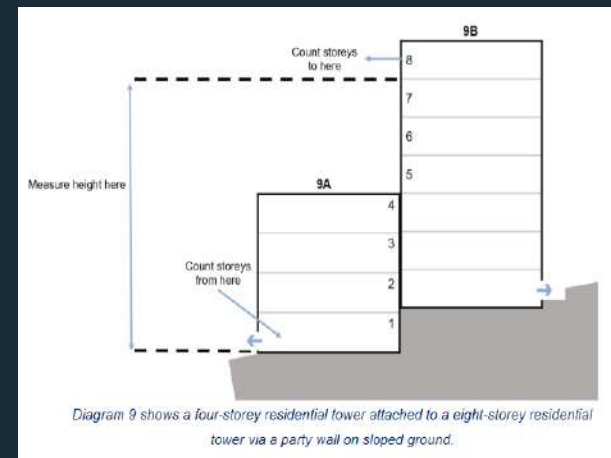
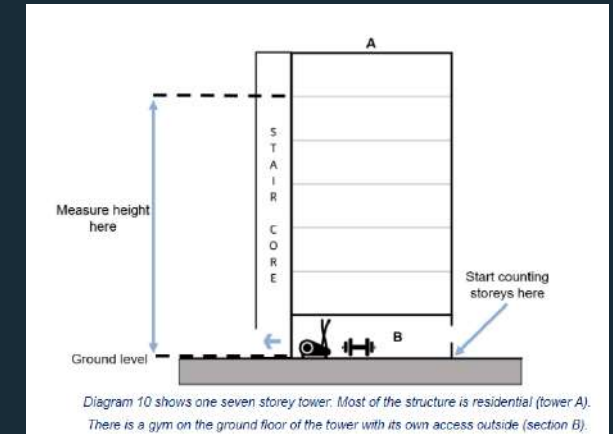
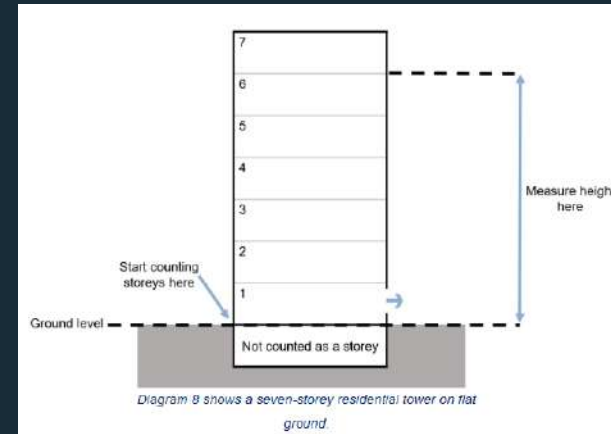
Regulation 1 (3): defines ground level

Height: Ground level to top of the floor surface of the top storey of the building (ignoring roof top plant). Where the top storey is not directly adjacent, a horizontal line is to be projected between lowest adjacent ground level and floor surface at the top storey.

Stories: Ignore; any storey which is below ground level, roof top plant areas, gallery floors with an internal floor area of less than 50% of the internal floor area of the largest storey vertically. Note the importance of the height of the ceiling level in a below ground level storey in relation to ground level and the Reg 4(2) or (4) for determining stories directly beneath the building.

A storey must be fully enclosed to be considered a storey. The roof of a proposed building should not be counted as a separate storey. Open rooftops such as rooftop gardens are not considered storeys and should not be counted as such when determining the number of storeys or measuring the height.

Ground Level: where uniform, the level of the ground immediately adjacent to the building or where the level is not uniform, the level of the lowest part of the surface adjacent to the building.



1. Criteria for determining whether a new building that is being designed and constructed is a "higher-risk building"

RIBA 0-2



RIBA 3-4



Can't start on site until
Gateway 2 approval

RIBA 5



RIBA 6

Gateway 1

Planning Requirements

Fire statement to include:

- Consideration to any local plans
- Site layout
- Emergency vehicle access and water supplies for firefighting
- Consideration of principles, concepts and approach to fire safety for each development
- Consideration to local development plans

Project Considerations

- Appointment of Principal Designer (PD)
- Assessment of appointment competencies
- Procurement strategy aligned to Gateway Process

[HSE Guidance](#)

[Gov.UK Guidance](#)

[Obtaining HSE Pre-App Advice](#)

Gateway 2

For new HRBs, works to existing HRBs and conversion of Non-HRBs to HRBs

Building Control Requirements

- The necessary Building Control plans
- Competence declaration of Principal Contractor (PC) & PD appointments
- Construction control plan
- Change control plan
- Building Regs compliance statement
- Fire and emergency file
- Partial occupation strategy

Project Considerations

- Development of Golden Thread of Information
- Surety of design to avoid delays from design change reviews with BSR

[HSE Guidance](#)

[Gov.UK Guidance](#)

Gateway 2 to 3

Regulations Requirements

- Major and smaller design changes to be reviewed by the BSR – 6-week review period
- Robust record keeping requirements to prove design
- Principal Contractor managing construction quality
- Mandator Occurrence Reporting requirements
- Supply chain competence requirements
- Notification to BSE before and after starting work

Project Considerations

- Continued Development of Golden Thread of Information
- Principal Designer requirement to visit site and assess building work inline with design

Gateway 3

Building Control Requirements

- HRB information
- Confirmation of Golden Thread Information provision to the client
- Fire and emergency plan
- Completed change control log
- Completed construction control plan
- BFLO Information provided to Building Control
- Client, PD and PC declaration of Building Regulation Compliance
- BSR Inspection

Project Requirements

- Completion Certificate required prior to occupation
- Provision of key information to the BSR for the HRB
- 8-week Approval Application review period

[HSE Guidance](#)

Client Duties for HRBs

Under the Building Safety Act, Clients have a crucial and legally responsible role in ensuring that building safety is prioritised throughout the lifecycle of a building, with additional, more stringent requirements for higher-risk buildings.

Key Responsibilities Of The Client under the Building Safety Act 2022:

As the client, it is your responsibility to make appropriate arrangements for planning, managing, and monitoring the project, including allocation of sufficient time and resource to deliver compliance with all relevant requirements upon completion. You must:

- **Allocate sufficient time and resources for the building work to meet building regulations.**
- **Establish, review, and maintain systems to ensure compliance with building regulations.**
- **Collaborate with all project stakeholders to facilitate their compliance with their respective duties.**
- **Foster cooperation between designers and contractors.**
- **Provide comprehensive building information to all designers and contractors involved, covering the building and design work, project planning, management, and resolution of compliance issues.**

1. Ensuring Safety At The Planning Stage
2. Appointment Of Designers And Contractors
3. Ensuring Compliance With Regulations
4. Cooperating With Duty Holders
5. Assessing And Managing Risks
6. Designing For Building Safety
7. Overseeing Construction And Handover
8. Ensuring Safety During Occupation
9. Record Keeping And Handover
10. Notification Of Building Safety Risks
11. Engagement With The Building Safety Regulator

Client Duties for HRBs

Key Responsibilities Of The Client under the Building Safety Act 2022:

1. Ensuring Safety At The Planning Stage

The client is ultimately responsible for ensuring quality and safety are considered from the outset of a project, with particular focus on fire safety and structural integrity.

2. Appointment Of Designers And Contractors

Clients are required to take reasonable steps to appoint designers and contractors who possess the necessary competence or organisational capability to fulfill their roles effectively. This includes the appointment of a BR PD and BR PC.

3. Ensuring Compliance With Regulations

The Client is accountable for making sure the project meets the relevant requirements. For projects involving higher-risk building work, the Client must manage the application for building control approval. This includes submitting required documents and information to the Building Safety Regulator (BSR).

In addition to managing the building control approval application, a client must:

- Ensure that the principal designer and principal contractor implement a mandatory occurrence reporting system.
- Conduct periodic reviews of the building and design work to identify higher-risk aspects.
- Provide information to designers and contractors so they are aware the project involves higher-risk building work.

A client must establish and maintain a comprehensive record of building information - the Golden Thread, and provide this information to relevant individuals and organisations, including accountable persons.

When appointing individuals or organisations to carry out work, a client must:

- Maintain written records of the steps taken to verify their competence.
- Include details of their competence in the competence declaration and construction control plan submitted for building control applications.

8. Ensuring Safety During Occupation

After the building construction has been completed, the Client must ensure that safety is maintained throughout the building's occupation. This includes ensuring that appropriate measures are in place for ongoing maintenance, safety inspections, and risk assessments to keep the building safe for residents and occupants.

9. Record Keeping And Handover

The Client must ensure that adequate documentation is maintained during the entire lifecycle of the building. This includes keeping records of safety assessments, building design, safety features, and any other relevant safety information. For higher-risk buildings, these records must be handed over to the **Principal Accountable Person (PAP)** or the building owner once the building is completed, ensuring that the building's safety is continually monitored and maintained.

Client Duties for HRBs

Under the Building Safety Act, Clients have a crucial and legally responsible role in ensuring that building safety is prioritised throughout the lifecycle of a building, with additional, more stringent requirements for higher-risk buildings.

Key Responsibilities Of The Principal Accountable Person under the Building Safety Act 2022:

APs are responsible for assessing and managing the risks posed to people in and about the building from structural failure or the spread of fire in the parts of the building they are responsible for.

To do this, APs must:

- **report safety occurrences to BSR and report them on the mandatory occurrence reporting system operated by the PAP**
- **carry out duties relating to the resident engagement strategy**
- **keep certain information about the building, also known as the golden thread of information**
- **provide building information to relevant individuals and organisations**

1. Check the parts of the building you are responsible for
2. Register the Building
3. Manage the building's structure and safety
4. There are competence requirements
5. Maintaining Golden Thread

Contractual Risk's associated with HRB's

Key Considerations

Contractual Risk's associated with HRB's

Key Considerations

Gateway 2

- Uncertainty over regulator timescales
New builds taking an average of 36 weeks (Construction Enquirer, July 2025)
- Lack of consistency
- Risk of prolongation costs for design fees & PCSA's

Contractual Risk's associated with HRB's

Key Considerations

Gateway 2

- Uncertainty over regulator timescales
New builds taking an average of 36 weeks (Construction Enquirer, July 2025)
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- Risk of prolongation costs for design fees & PCSA's

Construction Phase

- Programme risk associated with a post contract Major Change

Contractual Risk's associated with HRB's

Key Considerations

Gateway 3

Are LAD's attached to Gateway 3 approval period and potential refusals?

(Should take 8 weeks)

Contractual Risk's associated with HRB's

Key Considerations

Most likely reasons for Gateway 3 refusal

- Discrepancies between approved (gateway 2) information and as built information
- Missing or incomplete documents
- Change Control process not followed
- Missing or incomplete Construction Control records
- Missing or inadequate Compliance Statements (from PC & PD)
- Format of information not adequate

Importance of Early Contractor Engagement

Key Considerations

Importance of Early Contractor Engagement

Key Considerations

- Principle Contractor needs to be named in Gateway 2 submission
 - Client needs to make Competency Declaration for PD & PC*
- Contractor led documents required in the Gateway 2 submission:
 - Construction Control Plan
 - Change Control Plan
- Gateway 2 submissions require fully coordinated RIBA Stage 4 design information
- Early contractual negotiations likely required
- Doesn't really work with Single Stage procurement

RECENT INDUSTRY POSITION

Recent Roundtable Updates

Building The Future Conference – 2nd October

Speaker: Andy Roe – Non-Executive Chair of a new board within the MHCLG to take on the functions of the BSR

Short-term plan (within 3 months)

- Target the backlog of GW2 applications – bundled them up and sent to external parties for checking
- New innovation (fast-track) unit created within BSR for new HRB applications
- Current national average for GW2 application is 43 weeks (48 in London)
- Hoping to get approval timelines down nearer to 12 week statutory timeline

Medium-term plan

- Switching focus back to existing buildings
- Aware residents are living in buildings with safety defects and GW2 is blocking remediation
- Review the definition of Category A and Category B works as this is creating a lot of confusion
- No plans to alter 18m threshold yet or requirement for second staircase.
- Account managers for large scale developers with a large pipeline to support with the process/engagement

Long-term plan

- Review BSR use of technology to improve efficiency in their process
- Moving BSR away from HSE and into its own Executive Agency under the MHCLG Single Construction Regulator
- Appointing Chief of Disciplines
- Enabling Class 2 RBIs to train alongside Class 3 RBIs to address resourcing issue

Recent Roundtable Updates

MHCLG & CIOB Licensing Principal Contractors – 13th October

MHCLG seeking feedback from industry on the what/how/when

Improving the current framework

- What opportunities exist to improve the currently regulatory framework for principal contractors?

Parameters of the licensing regime

- Should licensing be just for principal contractors on HRBs, or all building types?
- Individuals or organisations, or both?
- What criteria/requirements should be met before a license can be issued?
- Examples of licensing best practice from other industries?

Challenges, costs, benefits

- What are the key challenges?
- What are the potential cost implications of a licensing scheme?
- How could licensing benefit principal contractors?

Timescales and comms

- What implementation timescales should government look at?
- How could this be best communicated to industry?

Features of Typical Licensing Models

Regulatory Objective & Regulator

Eligibility Criteria – Individuals & Organisations

Licensing Process

Ongoing Compliance, e.g. CPD, Audits/Inspections, Revalidation

Enforcement & Sanctions

Appeals and Review

Evaluation & Reform, e.g. periodic review of effectiveness

CLC and RIBA guidance

CLC guidance

Higher-Risk Buildings – Building Control Approval – Construction Leadership Council

The CLC has now published guidance relating to the Building Control Approval application process for a new HRB. This guidance was developed by the CLC, BSR and industry experts. The guidance aims to provide the baseline principles to guide those involved in submitting and assessing applications for Gateway 2 applications.

Guidance Note 01 – The Building Safety Regime for a new Higher-Risk Building – Summary process map of the building safety regime process for a Building Control Approval Application for a new Higher-Risk Building.

Guidance Note 02 – Sufficient Level of Design – Approach to the sufficient level of design detail for a Gateway 2 Building Control Approval application.

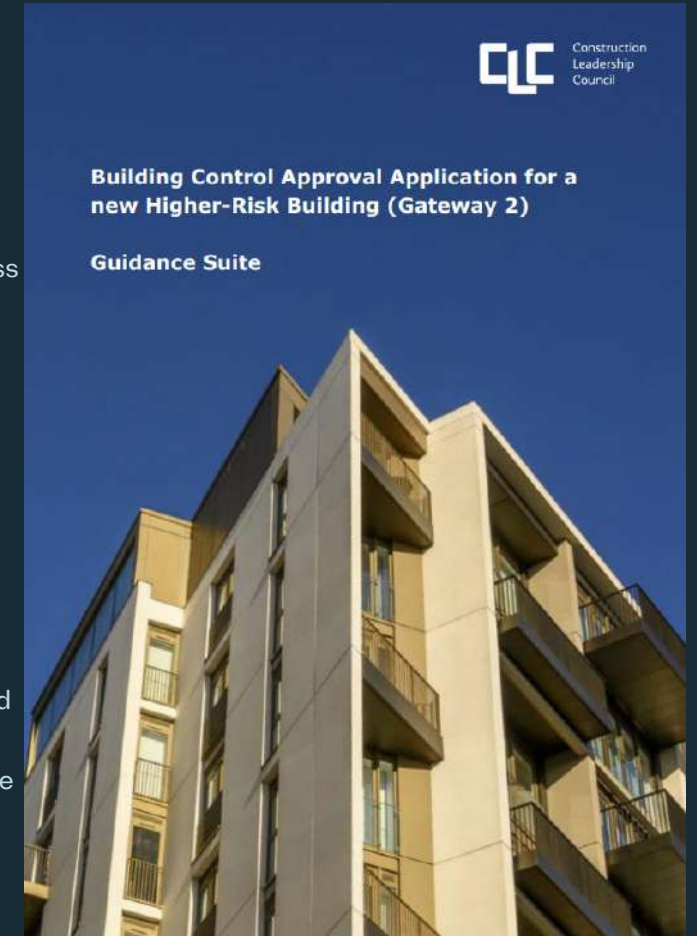
Guidance Note 03 – Approval with Requirements – Approach and management of the use of Approval with Requirements for a Gateway 2 Building Control Approval application.

Guidance Note 04 – Application Information Schedule – Baseline design information to be submitted for a Gateway 2 Building Control Approval application. This includes an example Information Schedule.

Guidance Note 05 – Application Project Brief – The use and submission of an Application Project Brief for a Gateway 2 Building Control Approval application. This includes an example Project Brief.

Guidance Note 06 – Application Document Management and Submission – Best practice for document management and submission to the Building Safety Regulator online portal for a Gateway 2 Building Control Approval application. This includes an example Folder Structure and Contents Schedule.

Guidance Note 07 – Application Strategy for a Single Building Staged Application or Applications for a Multi-Building Development – The use and submission of an Application Strategy for a staged building control approval application or applications for multiple buildings within a single development. This includes an example Application Strategy.



CLC and RIBA guidance

CLC guidance

RIBA-principle-designer-guide-template

The templates have been developed to support the various tasks to be carried out by the Principal Designer role under the new Building Regulations (in England), aligned with the text in the Principal Designer Guide. To use these templates as intended, they should be adapted to suit the specifics of the project, your procedures and processes.

Trackers: 1.1 Relevant Requirement Tracker. This tracker supports the decisions made to ensure compliance with the requirements of regulations 4, 6, 7, 8, 22, 23, 25B, 26, 26A, 28, 36, 41(2)(a), 42(2)(a), 44A, 44ZA, 44ZC and 44D to 44I and Schedule 1 of the Building Regulations and could be used as evidence or for supporting change control processes etc as applies.

Standard Forms and Letters : 2.1: Client Care Letter (Commercial) – This template provides initial guidance for domestic clients regarding their statutory duties under the regulations, which both designers and clients need to understand and comply with on all their projects.

2.1: Lead Designer Agreement – This client letter can be used to advise your client of your agreement with the other designers, confirming which designer shall act as the lead designer and principal designer for your project

2.2: Client Care Letter (Domestic) – This template provides initial guidance for domestic clients regarding their statutory duties under the regulations, which both designers and clients need to understand and comply with on all their projects.

2.4: Notice of Designated Individual – This notice can be used to record the details of any individuals you designate to fulfil the principal designer duties on behalf of your organisation.

3.2: Non-HRB Completion Statement – This declaration can be used to provide your client a signed Completion Statement as required under the Building Regulations for non-HRB projects.

4.3: Personal Competence Statement - This statement can be used to advise your client of your skills, knowledge, experience and behaviours that demonstrate you are competent to fulfil your principal designer duties

4.4: Notification of Competence - This letter can be used to advise your client of instances where you are no longer competent to continue as the principal designer.

The screenshot shows the RIBA website's 'Principal Designer Guide downloadable templates' page. The header includes the RIBA logo and navigation links: 'About RIBA', 'Resources for architects', 'Education, CPD and careers', and 'Working with an architect'. A breadcrumb trail reads: 'RIBA > Knowledge and resources > Resources > RIBA Principal Designer Guide downloadable templates'. The main heading is 'RIBA Principal Designer Guide downloadable templates'. Below it, a paragraph states: 'RIBA has created a series of resources to help Principal Designers plan, manage and monitor tasks to be carried out under the new duties of the Building Regulations, in England. View the downloadable trackers, forms and letters you will need.' A 'View downloads' button is present. The 'Available Resources' section lists the following items:

- 11 BR-PD Building Regulations Relevant Requirements Tracker V2 (XLSX, 315 KB)
- 21 Client Care letter commercial template (DOCX, 28 KB)
- 21 Lead Designer Agreement (DOCX, 15 KB)
- 22 Client Care letter - domestic template V2 (DOCX, 28 KB)
- 24 Notice of designated indiv V2 (DOCX, 15 KB)
- 32 NonHRB Completion Statement update (DOCX, 15 KB)
- 43 Personal Competence Statement (DOCX, 22 KB)
- 44 Notification of Competence (DOCX, 14 KB)

URS Corporation Ltd vs BDW Trading Ltd [2025] UKSC 2



The wider practical consequences of the ruling.

The practical combined effect of each of those findings is clear:

- (a) By confirming that developers can recover reasonable costs in negligence even if they have been incurred “voluntary” – i.e. even before a formal claim – developers are encouraged to undertake necessary remediation work without delay, aligning with the BSA’s goals of improving building safety; and
- (b) Similarly, the judgment reinforces the principle that costs should ultimately be borne by those responsible for the defects by significantly expanding the utility and effectiveness of DPA and contribution claims – particularly by developers – to recover costs from negligent professionals and builders.

Developers will be happy. Those down the contractual chain – and, crucially, their insurers – will be considerably less so.

Again, there are obvious profound practical consequences to this: it gives developers (of all sorts) a direct statutory cause of action against primary wrongdoers for defects rendering the dwelling unfit for habitation, providing an additional route for recovery alongside negligence claims – and one which is based on the 30 year time limit for DPA claims.

EMERGENCY REPAIRS & HSE - Further Guidance

When to get building control approval

You **MUST** get building control approval from BSR before starting:

1. Construction of a new Higher-Risk Building
2. Building work to any building that either makes it a HRB or stops it being a HRB
3. Building work to an existing HRB, unless the work consists only of:
 - Exempt work (Schedule 2 & 4) *
 - Competent person scheme (Scheme Work)*
 - Emergency repairs

*If the project includes only exempt and scheme work, it does not need building control approval

*If any of this type of work is part of a wider building project, then it must be included in the building control application

Building Work to Existing Higher-Risk Buildings

Category A Works	Examples
Work to increase or decrease the external height or width	- Increasing or decreasing the external height or width of the building. - Adding or removing storeys (e.g., mezzanines). - Modifying load-bearing elements or structural frames. - Altering the number of flats or residential rooms. - Changing the internal layout in a way that affects fire safety or evacuation. - Installing or modifying sprinkler systems, fire alarms, or smoke ventilation. - Changing fire-resistant materials or compartmentation. - Altering fire doors, fire-stopping, or fire escape routes. - Changing the number or width of staircases or emergency exits. - Modifying corridors or lobbies that serve as escape routes. - Replacing or modifying cladding systems or external wall insulation. - Any work on common parts of the building that affects safety. - Changes to the building envelope that could affect fire spread or structural integrity. - Changing a non-HRB into an HRB (e.g., converting a commercial building into residential use). - Making an HRB no longer fall under the HRB definition (e.g., reducing height or occupancy).
Work which changes the number of storeys (including adding or removing a mezzanine or gallery floor);	
Work which changes the number of flats or residential rooms	
Work which changes the number of, or width of, the staircases in a higher-risk building or which changes the number of, or width of, any other escape route	
Work to the external wall excluding work or materials of a description specified in regulation 7(3) of the 2010 Regulations;	
Work which changes the internal layout	
Work which affects the passive fire safety measures	
Work which affects the active fire safety measures	
Work which affects the common parts of a higher-risk building (including the external wall) not otherwise falling within category A;	

Building Work to Existing Higher-Risk Buildings

Category B Works	Examples
“Category B work” means work which does not fall within category A. Category B works under the Building Safety Act (BSA) refer to building activities on higher-risk buildings (HRBs) that do not significantly affect structural or fire safety, and are not exempt, emergency, or scheme works. These works still require oversight by the Building Safety Regulator (BSR) to ensure safety is maintained.	• Non-structural changes to internal layouts (e.g., partition walls not impacting means of escape). • Reconfiguring rooms without affecting escape routes or fire compartmentation. • Upgrading non-combustion mechanical systems (e.g., ventilation units). • Replacing a roof covering that do not affect fire spread or structural integrity. • Enhancing accessibility features (e.g., handrails, ramps). • Improving lighting, sanitation, or ventilation systems

HRB – Emergency Repairs

What counts as an emergency repair?

Building work carried out to manage an urgent risk to the health, safety or welfare to people in or about the building, is known as an 'emergency repair'.

Examples of when an emergency repair may be needed include when the urgent risk:

- Cannot be avoided or managed by putting in place temporary management arrangements
- Occurs during planned building work and it would not have been reasonable to expect, detect or avoid it
- Occurs because of a breakdown in plant equipment or other equipment in the building

An emergency repair can be carried out promptly to address an urgent risk. However, any other building work needed to address the problem should be submitted in a building control approval application.

Emergency repairs should not be carried out to fix problems that have occurred due to a lack of foresight or planning by the client or a contractor.

If the repair work is not building work or is exempt, then it can proceed without approval from BSR.

Retrospectively notify the BSR about the Emergency Repair. Must be done by the end of the first working day after the work starts.

BSR will assess the Emergency Repair Information:

- Meets the criteria or:
- Work is unauthorised and BSR will decide what action to take

After work has completed, apply to BSR for regularisation certificate ASAP

HRB Emergency Repairs Case Studies

Case Study 1

Building - HRB Residential Tower Block

Work - Installation of a new Sprinkler System

Scenario – Current refurbishment works being undertaken in an **occupied HRB** and redundant iron pipework is still present and creates an additional risk of heat transfer beyond compartments. The proposed solution from the fire engineer is to install sprinklers however this wasn't on the original Building Control Application.

Can we install a new sprinkler system as emergency repairs?

- Emergency Repairs - Should not be carried out to fix problems that have occurred due to a lack of foresight or planning!
- BSR rejected the application and waking watch is required to remain in place until the GW2 application has been reviewed.

FINDING DESCRIPTION	RECOMMENDED RISK REDUCTION METHOD
There is a significant issue with the building where redundant iron pipework is still present in flats. In the event of a fire, this may transfer heat through the concrete floor or wall enough to ignite combustible items in an adjacent flat. There are various options to address this, but it is considered that the simplest mitigation for this issue can be achieved through the provision of sprinklers.	Ensure that the risk of fire transfer from the old heating pipes is suitably mitigated by the provision of sprinklers within the flats.

PRIORITY	PHOTOS
Medium	

HRB Emergency Repairs Case Studies

Case Study 2

Building – 9 Storey Residential (HRB)

Work – RAAC Roof Replacement

Scenario – Plant situated on the RAAC roof, top floor of the building is occupied but will be decanted. Two objectives, temporary support of the RAAC roof, design and install RAAC replacement

Can we replace the RAAC roof as emergency repairs based on our knowledge of RAAC roofs?

BSR Agreed

- Temp propping can be completed as an Emergency Repair
- Permanent repair work is Cat A work and requires Gateway approval



At Building Completion

Registered Building Control Approver

Final Certificate

Section 51 of the Building Act 1984

The Building (Registered Building Control Approvers etc.) (England) Regulations 2024

Regulation 18

Where building work described in an initial notice is completed the **client** must give the approver a notice which includes:

- a) the name, address, telephone number and (if available) email address of the client;
- b) the name, address, telephone number and (if available) email address of the principal contractor (or sole contractor) and the principal designer (or sole or lead designer);
- c) a statement that the building work is complete;
- d) a statement, signed by the client, confirming that to the best of the client's knowledge the work complies with all applicable requirements of the building regulations;
- e) a statement given by each principal contractor (or sole contractor) for the work and each principal designer (or sole or lead designer) for the work, signed by the person to which the declaration relates, which includes
 - i. the name, address, telephone number and (if available) email address of that person,
 - ii. the dates of their appointment, and
 - iii. confirmation:
 - (aa) in the case of a principal contractor (or sole contractor), that they fulfilled their duties as a principal contractor under Part 2A (dutyholders and competence) of the 2010 Regulations;
 - (bb) in the case of a principal designer (or sole or lead designer), that they fulfilled their duties as a principal designer under Part 2A (dutyholders and competence) of the 2010 Regulations.

Handover Documentation – The Golden Thread

Key Considerations

Handover Documentation – The Golden Thread

Key Considerations

- Digital & Secure format



Handover Documentation – The Golden Thread

Key Considerations

- Digital & Secure format
- Accessible and easy to use for those who need it



Handover Documentation – The Golden Thread

Key Considerations

- Digital & Secure format
- Accessible and easy to use for those who need it
- Single Source of Truth (The Golden Thread)



Handover Documentation – The Golden Thread

Key Considerations

- Digital & Secure format
- Accessible and easy to use for those who need it
- Single Source of Truth (The Golden Thread)

Mitigating risk of uncontrolled copies

Consider transfers between different platforms



Handover Documentation – The Golden Thread

Key Considerations

- Digital & Secure format
- Accessible and easy to use for those who need it
- Single Source of Truth (The Golden Thread)
 - Mitigating risk of uncontrolled copies*
 - Consider transfers between different platforms*
- Regulation 38 File

Handover Documentation – The Golden Thread

Key Considerations

- Digital & Secure format
- Accessible and easy to use for those who need it
- Single Source of Truth (The Golden Thread)
 - Mitigating risk of uncontrolled copies*
 - Consider transfers between different platforms*
- Regulation 38 File
 - BS 8644-1:2022 – Digital Management of Fire Safety Information*
 - (Prescribes detailed criteria for Information Exchange Point (IEP'S) including IEP D - Handover Information)*

HANDOVER	
Fire safety information pack for fire incident - refer to IEP G for details	Drawings
As-built fire strategy report	Report
Prepare concept fire strategy report, including fire safety objectives and legislation	
As-built fire safety drawings	Drawings
Arrangements, escape routes, fire service access routes, fire spread risks to adjacent property, fire/smoke compartmentation	
Fire safety risks (design, construction and management) identified in H&S risk register	Review Schedule
Certification of practical completion - "completion certificate" issued by a building control body or "final certificate" issued by approved inspector (in England) Other	Certificate
Building system - Fire detection and fire alarm - as installed	
Technical specification of installed system confirming the system grade and level of automatic detector coverage	Report
As installed zoning plans/drawings	Drawings
Schematic and schedule of system confirming location and type of system components (manual call points, automatic detector heads and control panels)	Schedule and drawings
Product data sheets for all system components	Data Sheet
Technical information on interfaced systems (e.g. emergency voice communication system)	Report
Cause-and-effect matrix and cause-and-effect configuration (as functioning as installed)	Matrix
Commissioning test report confirming functionality of automatic detectors,	

THANK YOU