

Latest Information on Building Control Applications for Gateway 2

Introduction

- The Building Safety Regulator (BSR) became the Building Control Authority for all higher-risk buildings (HRBs) in England in October 2023.
- For all new building work in-scope of the higher-risk regime, applications for building control approval must be provided to the BSR.
- Early feedback from the BSR about applications submitted for Gateway 2 indicates that a number of these applications were either incomplete or unclear, making them unsuitable for approval. This is particularly the case for smaller refurbishment projects and work on existing buildings.
- Applications should provide quality, detailed information that clearly and comprehensively demonstrate compliance with building regulations.
- To help applicants develop high-quality building control applications, the BSR has outlined some key points to consider.

Key considerations for applications

Demonstrate compliance

- Anyone applying to the BSR for building control approval needs to ensure that their application **clearly** and **comprehensively** demonstrates compliance with building regulations.
- The responsibility to interpret compliance rests with the applicant:
 - It is not enough to “declare” compliance
 - **Applications need to “demonstrate” compliance**
- Applications need to explain **why** particular standards were chosen and **how** they apply to the project. This will enable the BSR to easily verify compliance and/or any issues which require further discussion.

Example:

- Just saying “Part A” then list of 250 plans and documents is not enough in this new regime/approach.
- By listing the plans, but not interpreting them, applicants are saying to the BSR “you work it out” – importance is explaining why the applicant thinks this demonstrates compliance – this in itself helps to determine whether someone actually understands the totality of what they are providing to the regulator and how it demonstrates compliance.

Identify, Clarify and Justify



Identify - All elements that require building regulations compliance (granular detail)



Clarify - What standard, code or approach are you complying with?



Justify - Set out a narrative to explain how compliance had been reached for every aspect that needs building regulations compliance. Explain how you demonstrate this.

Step 1 - Identify

- Applicants should clearly **identify** every aspect of the project that requires compliance with building regulations – including structural and fire safety. This ensures no detail is overlooked and each aspect of the HRB is accounted for in the compliance documentation.
- Saying “Part A” isn't identifying how there is compliance with the building regulations.
- The BSR expect applicants to particularise every single element that requires assessment under part A.
- For large new build projects, that could be thousands of elements that need setting out clearly, but that is what the new regime calls for.
- Applicants need to take responsibility to identify everything that needs to demonstrate compliance.

Example: Structural loading for cladding

- How is it fixed? how can it be demonstrated the building can take the load?
- This is a fundamental aspect of the building regulations, but the majority of cladding applications received to date have not included this basic fundamental detail.
- For many the detail is “hidden” in page 876 of plan 2937, without any signpost or reference to the fact it might be there, meaning this has the potential to be missed.
- Almost every application includes hundreds, and in some cases, thousands of pages of plans without any real signposting, interpretation beyond a basic contents page. If it is not obvious how the work joins up and demonstrates compliance, the application will be rejected.

Step 2 - Clarify

- **Clarify** which standards, codes, or approaches the building design complies with. Explain why each standard was chosen. Also, explain how it applies to the project. This provides a clear rationale for the chosen compliance solutions.
- It's not good enough to say the standard is being used.
- The application needs to say why the particular code is appropriate and why it is being used to demonstrate compliance.
- This is a significant change from the old regime, and is likely to take time to bed in, given the issues faced to date in this area.
- Most applications are missing this element.

Step 3 - Justify

- **Justify** compliance by providing a narrative. The application should explain how compliance has been achieved for each identified element of the HRB. This approach will allow the BSR to verify compliance easily without further interpretation.
- Explaining how compliance is reached is fundamental to the whole application.
- For a new build this document should be of significant volume – most applications are slim in this area and are missing the narrative around they how and why.
- The application is not a contents page referring to plans drawings and other documents. It is the assessment from the applicant about how they are justifying the approach, in relation to the building regulations.
- The BSR will only use plans and drawings to test that what is in the building regulations compliance statement is corroborated in the plans.

Example: Cladding

- How is the cladding supported?
- What method has been used?
- Justify that method complies with the relevant requirements of the building regulations
- That narrative is required for every single element that needs building regulations assessment in every single project.

What level of detail is required?

- It is the level of detail that will enable someone not involved the project at all can pick up the document and understand that compliance has been reached.
- One approach might be to give the document to someone in the organisation who has no knowledge of that project to see if they can be assured that compliance has been demonstrated, without looking at plans or documents to tell the story.