

## *The Building Safety Act 2022 – what does it mean for my project?*

Following the fire at Grenfell Tower in 2017, Dame Judith Hackitt was appointed by the government to undertake an independent review of Building Regulations and fire safety, with focus on their application to high-rise residential buildings. Her final report was published in 2018, and the Building Safety Act 2022 is the foundation of this new building safety regime.

The Act applies to **ALL** buildings, and includes additional requirements for Higher Risk Buildings (HRBs)

### **What is a Higher Risk Building (HRB)?**

The majority of domestic and commercial projects won't be deemed HRBs.

An HRB is:

- o at least 18m in height or at least 7 storeys AND
- o contains at least two residential units or is a hospital or care home

If your project falls within the definition above, your building control function can only be provided by the Building Safety Regulator and you will need to make a direct application with them.

Building Control Services can continue to be your trusted Building Control body for all non-HRB projects.

### **What does this mean for my project?**

The legislation changes on 1<sup>st</sup> October 2023.

Any new project requiring Building Regulations approval on or after 1<sup>st</sup> October 2023 will automatically fall under this new legislation and we will require additional documentation at both the appointment and completion stage of the project.

For existing projects where Building Control Services has registered an Initial Notice before 1<sup>st</sup> October 2023 and it has been accepted by the Local Authority, works must commence in a meaningful way before 6th April 2024 to remain on the current legal framework.

We understand that these changes can seem daunting, but our team is ready to assist you through each stage of a project under the new Building Safety Act 2022.

As a business we are constantly reviewing legislation changes to ensure that our services are up to date with the latest requirements. Services included in this document are up to date at time of creation but likely to change as more details are released, please check our website for updates or contact the office with any queries.

## **Dutyholders**

Each project now has specific “dutyholder” roles which must be fulfilled for all projects, regardless of their size.

Client	Commissions the building work
Principal Designer	In control of the design work
Designer	Carries out the design work
Principal Contractor	In control of the construction and refurbishment work
Contractor	Carries out the construction and refurbishment work

Dutyholders will need to work together to plan, manage, co-ordinate and monitor the design, construction and any refurbishment work to ensure that buildings comply with all relevant Building Regulations and are safe to occupy once completed.

### **What information needs to be provided to Building Control Services?**

In addition to the completed Project Information Sheet, plans and structural calculations, all Building Control Bodies will require additional information.

This includes:

Upon appointment:

- confirmation that the building is not classed as a Higher Risk Building (HRB)
- the start date (the date at which works will start on site (not including any demolition/preparation/clearing)
- the commencement date (the date at which works meet the criteria of “commenced”)
- Dutyholder notification

Upon pre-completion:

We will require a compliance declaration from each dutyholder to confirm the below:

- Name, address and contact details of each Dutyholder
- A statement by the client confirming that works are complete and that to the best of the clients knowledge “the works comply with the applicable requirements of the Building Regulations”
- A statement by each Principal Contractor (or sole contractor) confirming the dates of their appointment and that they have fulfilled their duties as a Principal Contractor under Part 2A (Dutyholders and competence) of the Building Regulations etc. (Amendment) (England) Regulations 2023
- A statement by each Principal Designer (or sole or lead designer) confirming the dates of their appointment and that they have fulfilled their duties as a Principal Designer under Part 2A (Dutyholders and competence) of the Building Regulations etc. (Amendment) (England) Regulations 2023

NB: if you intend to proceed via a “Building Notice” (ie, without full Building Regulations drawings) then a principal designer still needs to be declared.

## **What is defined as “commencement of works”?**

The way works are defined as “**Commencement**” under the Building Regulations has changed. This should now be considered more of a “meaningful start” and there are various criteria that needs to be achieved.

For construction of/or horizontal extension of a building it is split into two types. “**Complex**” and “**non-complex**”.

For a **complex building**, commencement will be at the date at which the foundations supporting the buildings and the structure of the lowest floor level of that building (but not other buildings or structures to be supported by those foundations) are completed.

For **non-complex buildings** commencement will be at the date at which the sub-surface structure of the building or the extension including all foundations, basement levels (if any) and the structure of the ground floor level is complete.

For all “**other works**”, not involving the construction or extension of a building, commencement is defined at the point at which 15% of the construction works will be completed.

It is important that the Dutyholders agree what constitutes 15% work with Building Control Services, at appointment stage.

**Important Note: This does not mean that inspections from Building Control Services are not required before this date.** Notification of commencement should still be provided and inspections of the various elements detailed within the inspection regime should continue. (eg; foundation excavations will still require a visit from our team).



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