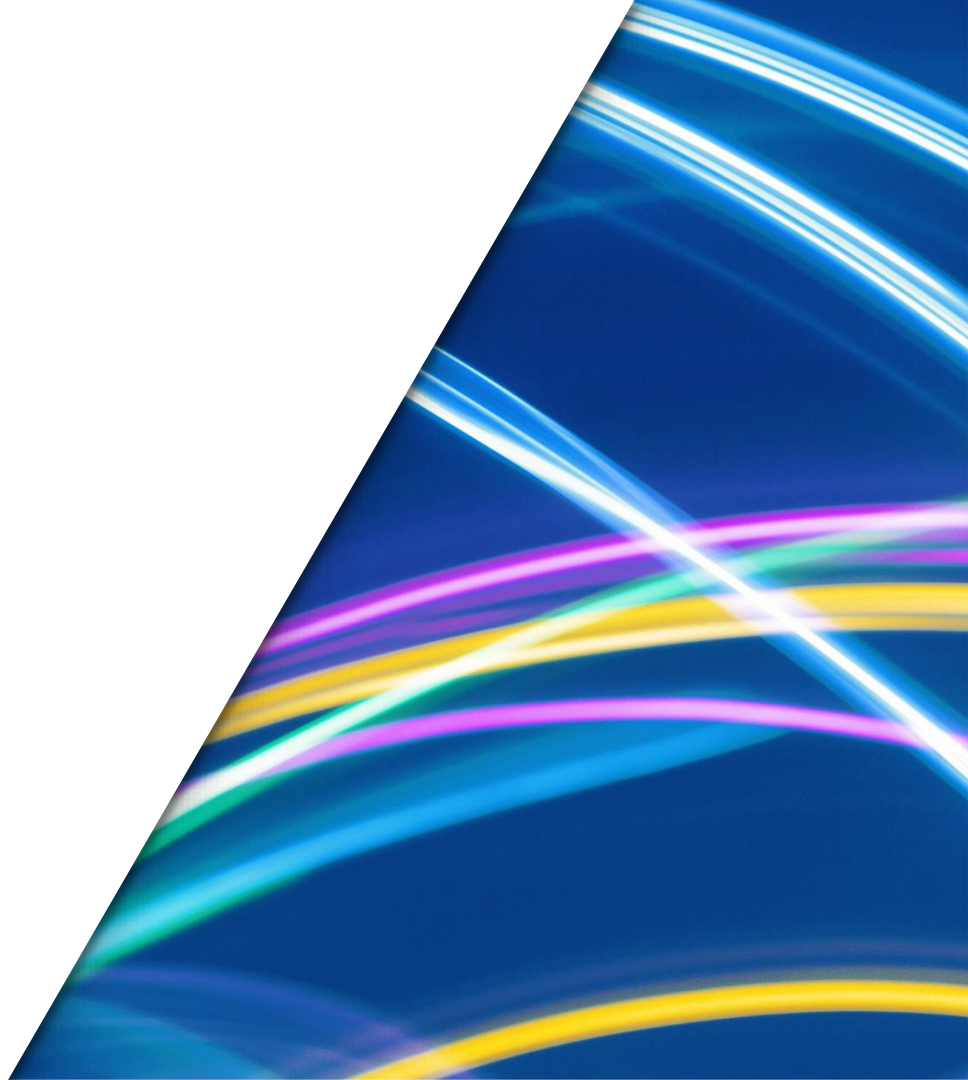


SHARPE PRITCHARD

Building Safety Update

Rachel Murray-Smith
Partner



BSR oversight Higher-Risk Buildings Gateway Process

Gateway Two Timescales

Data provided by MHCLG on 23/05/2025 – Alex Morris MP Parliamentary Qus:

- BSR only approved 2.4% of applications within its statutory timeframe since October 2023
- Since November 2024 it has only approved 1 application within the statutory timeframe
- Percentage of applications it is approving is declining year on year to 1.5% in 2025 to date.

[analysis provided by Faulkner Bailey Russell]

BSR figures as at April 2025
Rejecting around

1. **40%** of GW2 applications because they fail to meet requirements; and
2. **35%** because they are missing key information

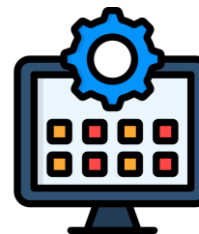
Statutory timescale 12 weeks

BSR stated c.20 weeks – August 2024

BSR stated c.16/18 weeks - April 2025

Unite has said BSR issues were adding six months to the average length of build programmes.

[building.co.uk 24 April 2025]



British Property Federation:
14% decrease in the number of BTR homes under construction in the first quarter of this year compared to last year citing BSR delays as cause

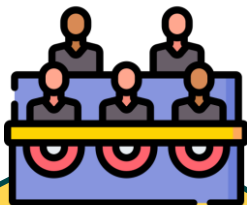
Delayed BSR application – then what?

- Beyond statutory time limit then an extension can be agreed
- If extension not agreed possible s.30A Building Act 1984 non-determinations procedure...BUT
 - Made by Secretary of State – no timeframe to make a decision by
 - Once s.30A procedure started vs new extension with BSR

Government guidance: [Non-determination applications for higher-risk buildings procedures: applying to the Secretary of State - GOV.UK](#)

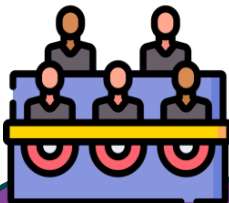


What is being done?



Parliamentary Qu's 07/05/2025

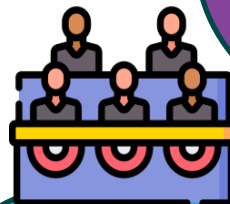
"MHCLG and BSR jointly keep BSR's operational set up under review and are undertaking a further programme of enhancements. MHCLG is exploring all possible options with the BSR to ensure it is equipped for the high demand of applications." Alex Norris



Parliamentary Qu's 07/05/2025

Roundtable held with the BSR and developers to discuss industry's concerns.

BSR meets weekly with the Construction Leadership Council to work through, address and resolve issues.



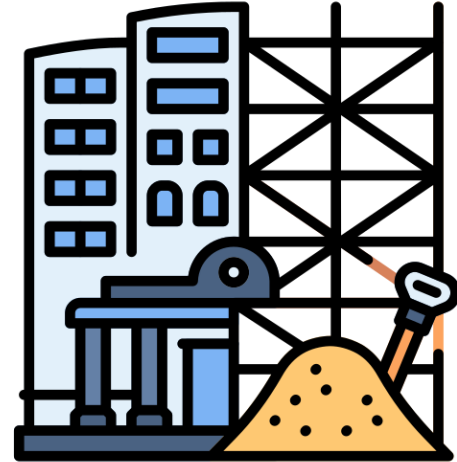
Parliamentary Qu's 21/05/2025

"The Department and the Building Safety Regulator recognise the value to the sector in providing performance data. From this quarter, BSR will be publishing quarterly data demonstrating the volumes of applications received, recorded outcomes and decision times for determination." Alex Norris

**Inquiry on
Building Safety
Regulator**
[Building Safety
Regulator -
Committees - UK
Parliament](#)
Deadline for
responses 31st
August 2025

New set of guidance from BSR – March 2025

- [Building control approval for higher-risk buildings](#)
- [Preparing information for a building control approval application](#)
- [Making changes to a higher-risk building project](#)
- [Applying for a completion certificate](#)
- [Multi-Disciplinary Team Working](#)

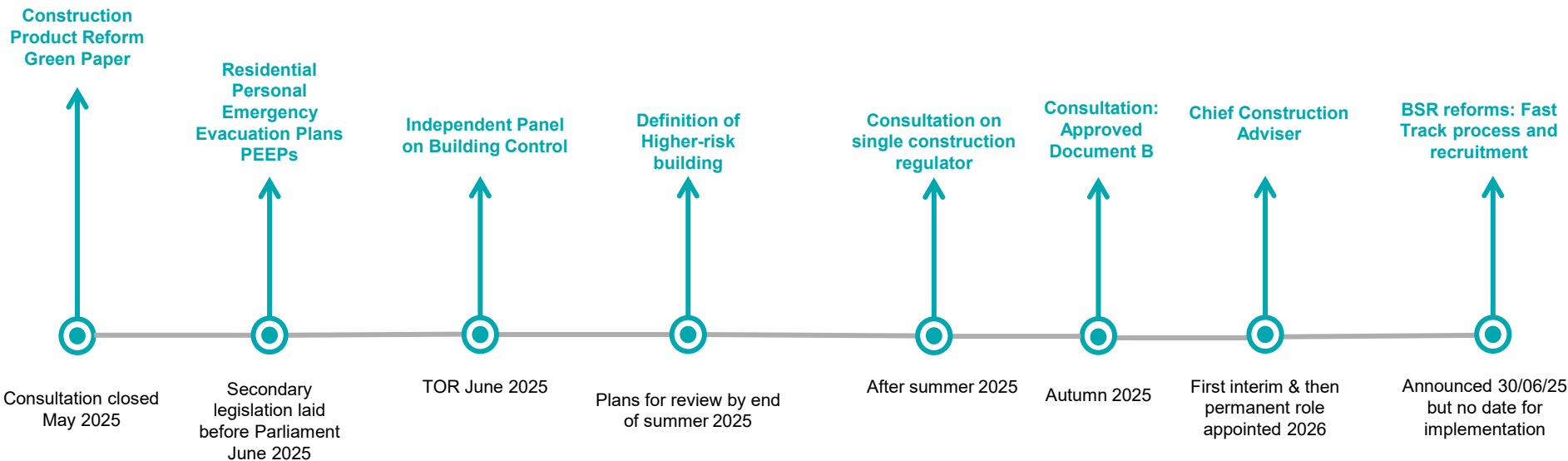


Roof Gardens and Higher-Risk Building (HRB)

- The Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023
- No definition of 'storey'
- Disconnect between guidance and regulations
- **July 2024** First Tier Tribunal *Blomfield v Monier Road Limited (Smoke House & Curing House)* LON/00BG/HYI/2023/0024: found that a roof garden should be a storey for the purposes of determining an HRB.
- **May 2025:** MHCLG update note: *"We are consulting the Building Safety Regulator and other relevant stakeholders on a proposal to amend the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023 to make it clear that roof gardens should not be considered a storey when determining whether a building is a higher-risk building"*

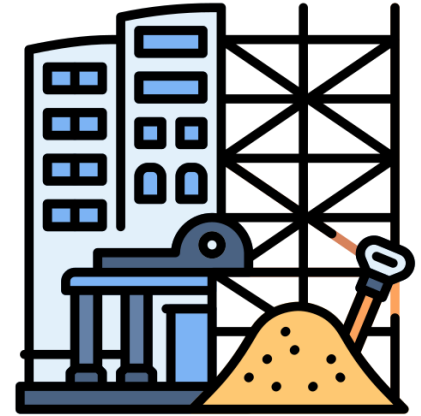


Government's first progress report on the Grenfell Tower Inquiry: Phase 2 recommendations – May 2025



TCC & FTT – BSA Working Group

1. FTT: RO or RCO
 2. TCC: Damages claims and BLO's
- Working Group members:** Judges from TCC and FTT, construction Barristers and Solicitors
- Working Group aims:** consistency of approach through review of CPR and/or TCC Guide



Questions?