



Ministry of Housing,  
Communities &  
Local Government

# Planning Gateway One

05/02/2021



## Introduction – why we need change

- The Grenfell Tower fire on 14 June 2017 represented the greatest loss of life in a residential fire since the Second World War. 71 fatalities were confirmed by the coroner – and a further former resident passed away in January 2018.
- Following the fire, the Government commissioned the Independent Review of Building Regulations and Fire Safety led by Dame Judith Hackitt. Dame Judith's final report, published in May 2018, found that the current system for ensuring fire and structural safety in high-rise residential buildings was not fit for purpose and made 53 recommendations to address these failings.

### Building a Safer Future

Independent Review of Building  
Regulations and Fire Safety:  
**Final Report**

May 2018  
Dame Judith Hackitt DBE FREng

Cm 9607



## Building a safer future

- The Government published its consultation on proposals for reform of the building regulatory regime on 6 June 2019, running for six weeks until 31 July 2019.
- Nearly 900 responses were received from individuals, residents' groups and representatives from the fire safety and built environment industry.
- The Government published its response to the consultation on 2 April 2020, which set out plans for bringing about the biggest change in building safety for a generation.
- This new regime will put residents' safety at its heart.



# The Building Safety Bill

- The draft Building Safety Bill was published 20 July 2020 and will deliver the biggest changes to building safety for nearly 40 years and make residents safer in their homes.
- Pre-legislative scrutiny of the draft Building Safety Bill has concluded and its findings were published on 24 November 2020.
- These comprehensive changes will work in conjunction with wider improvements we are making, such as those outlined in the Social Housing Green Paper and reforms in the leasehold and private rented sectors.
- A change of this scale requires not only new legislation but also a significant culture change in industry and increased levels of competence for all those acting within the sector.



Draft Building Safety Bill



### Scope

- The reformed building safety system will cover the performance of all buildings as well as the management of fire and structural safety risks in new and existing buildings in scope.
- The scope of the more stringent regulatory regime currently stands at: **multi-occupied residential buildings of 18 metres or more in height, or more than six storeys (whichever is reached first)**.
- Over time, the scope may change based on emerging risk evidence.

### Residents

- For buildings in scope, residents will have a stronger voice to ensure that their views and concerns are not ignored.
- They will be entitled to receive a core set of information about the protections in place.
- The dutyholders responsible for the building will be required to proactively engage and communicate with residents through the Resident Engagement Strategy.



# The Building Safety Regulator

## The new regulator

- At the core of the reforms is the creation of the first national **Building Safety Regulator** (BSR), responsible for:
  - implementing the more stringent regulatory regime for buildings in scope;
  - overseeing the safety and performance of all buildings and;
  - promoting the competence and organisational capability of professionals, tradespeople and building control professionals working on all buildings.
- The **Health and Safety Executive** will be the body to deliver the building safety regulator functions.
- Over the coming months, the shadow BSR will build on its engagement with you and other key stakeholders, on what you need to do now to manage building safety risks so that everyone is prepared for the changes ahead. They have already started engaging with local planning authorities.





## A new, more stringent regime in design and construction

The new regime will see the introduction of the following measures:

- **Dutyholders** that will have accountability and statutory responsibilities when buildings are designed, constructed or refurbished.
- **Gateway points** which will provide rigorous inspection of regulatory requirements to ensure building safety risks are considered at each stage of design and construction.
- Requiring a **'golden thread'** of building information to be created, stored and updated throughout the building's lifecycle.
- Requiring **mandatory reporting** to the new BSR of fire and structural safety occurrences which could cause a significant risk to life safety.
- The BSR will oversee building work as the building control body for in scope buildings and will ensure appropriate measures are being implemented to manage risk.





### Planning gateway one

- Brings forwards thinking on fire safety, ensuring it is integrated into schemes at the **earliest possible stage**.
- Utilises the existing planning process in England - does not form part of the Building Safety Bill.

### Gateway two (technical design and construction) and the construction phase

- Bolsters the current building control stage with the **Building Safety Regulator** as the only option of **building control body** for in-scope buildings.
- Introduces '**hard stops**' where construction cannot begin until the Building Safety Regulator has approved building control applications.
- Requiring **stronger change information and competence management** procedures during the construction phase.
- Strengthening inspections and enforcement against non-compliance

### Gateway three (completion and handover)

- The current completion/final certificate phase.
- A '**hard stop**' at which the Building Safety Regulator undertakes final inspections and issues a completion certificate.
- **Prescribed documents and information on the as-built building** will be required with the building control application.
- Prescribed documents and information (**the golden thread**) must be **handed over to the person(s) responsible for the new building in use** (Accountable Person in occupation).





## Planning gateway one in more detail...

Dame Judith Hackitt identified the importance of incorporating thinking on fire safety at the earliest possible stage, which will result in:

- development proposals incorporating features essential to ensuring the future fire safety of the development from the outset, at a point when fundamental design decisions are being made
- less likelihood of the planning proposals being revisited and revised later in the development process due to fire safety requirements
- more successful schemes which integrate thinking on fire safety, as opposed to adding it on at a later stage
- potentially reduced costs for developers - due to decreased likelihood of post planning re-design for fire safety reasons





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Planning gateway one policy  
development



NFCC  
National Fire  
Chiefs Council





## Planning gateway one: scope

- in-scope developments = schemes applying for planning consent which contain at least one in-scope building
- the development/ site as a whole will be considered as 'in-scope', to ensure a comprehensive and cohesive approach to fire safety is achieved





## Fire Statements

Development proposals which contain an in-scope building will be required to be submitted with a fire statement.

It is the intention that Fire Statements will:

- take a similar approach to a Design and Access statement
- evidence that thinking on fire safety has been integrated into the planning proposals for example relating to:
  - water supplies for firefighting purposes
  - emergency vehicle access and siting points for fire fighting appliances
  - site wide/ layout impacts of integrating thinking on fire safety
- contain information which is specific and relevant to the development proposal
- be proportionate to the scale, type and complexity of the proposal
- detail fire safety information and the approach taken to fire safety for the entire development
- be short and concise: fire statements are **NOT** a full fire strategy.





## New statutory consultee

- Dame Judith Hackitt's report identified the need for specialist input from those with the relevant fire safety expertise at planning application stage.
- A new statutory consultee will be established.
- Local planning authorities will be required to consult the new statutory consultee on applications for planning permission of developments which contain at least one in-scope building.
- The statutory consultee will (as existing statutory consultees) be required to provide a substantive response. Also (as existing) the LPA must take those representations into account when determining the application.
- The new statutory consultee will initially be **HSE**, and later once established through the Building Safety Bill; will be the new **Building Safety Regulator**.





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## Planning gateway one: Timeline

**We are currently aiming to introduce Planning Gateway One requirements in 2021**

With the necessary legislative changes completed and guidance published in time to allow sufficient lead in for LPAs and developers to incorporate the new requirements into their working practices



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# Questions