

25th

ANNUAL FIRE SAFETY CONFERENCE

23 & 24 February 2023
Armagh City Hotel

“The changing face of fire safety”

Marking **50** years of the Building Regulations in
Northern Ireland

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ANNUAL FIRE SAFETY CONFERENCE

February 2023

“The changing face of fire safety”

**Building Safety Act
2022 in Wales**

*Marking **50** years of the Building Regulations in
Northern Ireland*



Llywodraeth Cymru
Welsh Government

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Colin Blick

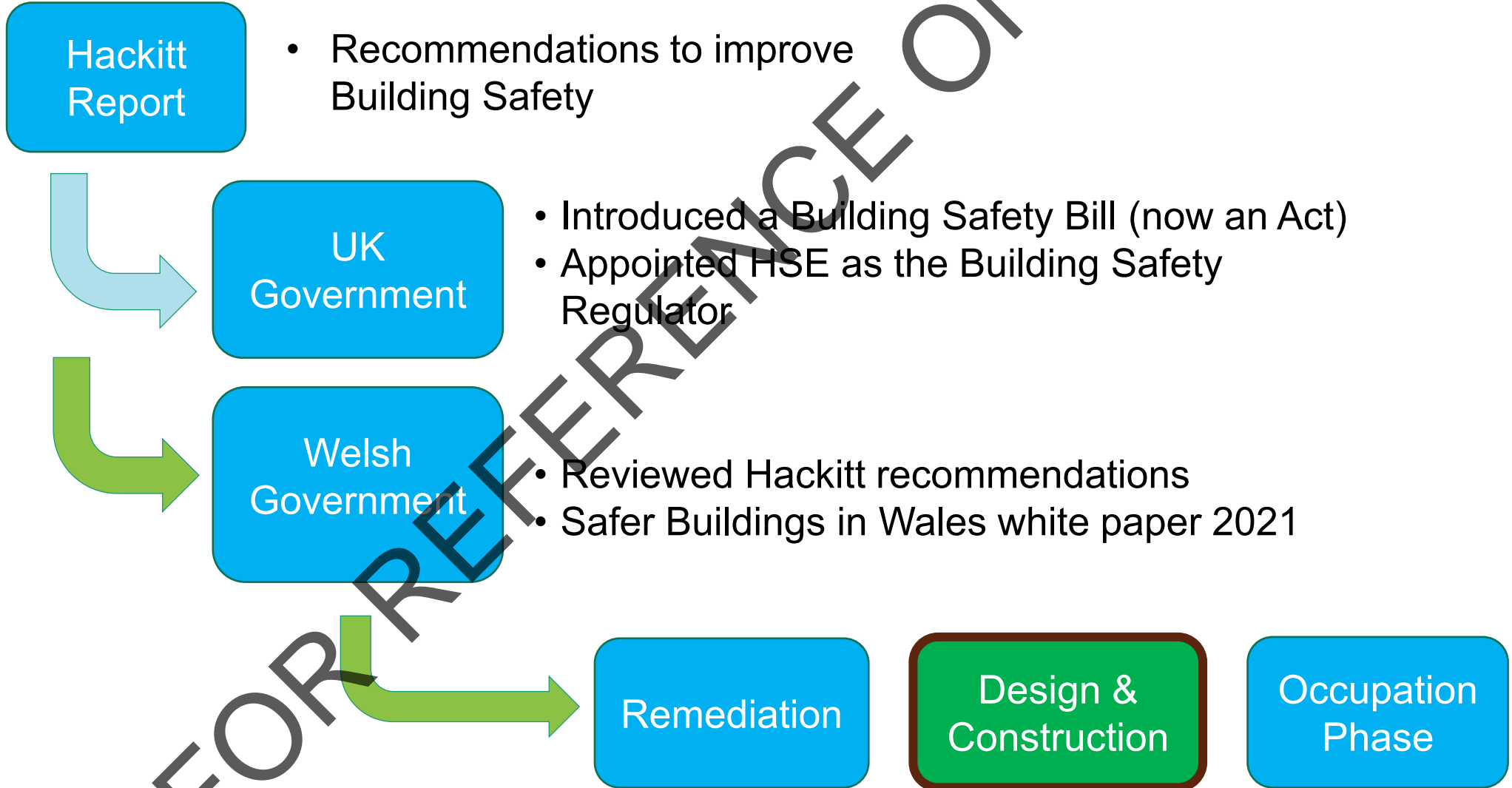
Building Standards Technical Manager



- Any criticisms Hackitt levelled at the building control system in England can equally be applied to Wales
- Building Regulations functions, the building control system in both England and Wales remains based on the same core legislation:
- The Building Act 1984
- The Building Regulations 2010
- The Building (Approved Inspectors etc.) Regulations 2010
- Designation of CICAIR as approver of Approved Inspectors

The current BC system therefore predates the transfer of building regulations to Wales in 2012

Welsh Government Building Safety Programme



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Welsh Government Building Safety Programme



Safer Buildings in Wales white paper consultation response December 2021

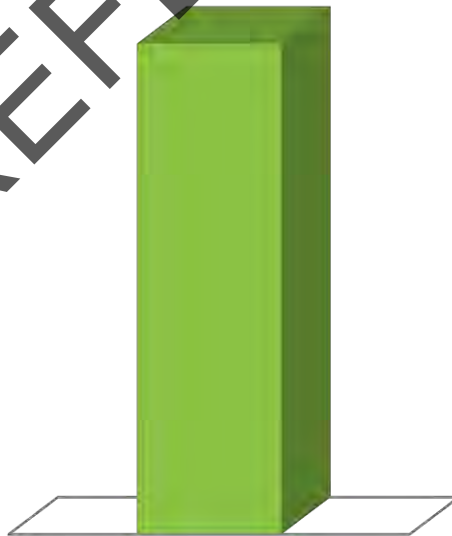
Set out in broad terms how the Welsh Government will respond to the issues raised by the Hackitt report which would be covered in two phases:

- **Design, construction and refurbishment phase**
 - Golden Thread and key dataset of information
 - Gateways
 - Building Safety Bill to take forward elements of the bill for Wales
- **Occupation phase** (to be addressed through a Senedd bill/regulations)
 - Two categories of risk - Category 1 (18m+) and Category 2 (2 or more dwellings)
 - Single/multiple regulator options
- **There would also be support for remediation**

Context – Current scale of high rise buildings in Wales

- Number of existing residential blocks by social and private (including student accommodation) over 18m to top storey or 7 storeys and above
- There are approx. 12,000 high rise buildings in England
- Recent new development of high rise buildings in Wales is 4-6 annually

171



Building Safety Act 2022



Design and Construction phase for Wales:

- Whilst aimed at addressing the whole life cycle of a higher risk buildings life in England the draft Building Safety Bill presented an early opportunity to address the failings of the building control system in Wales.
- Whilst devolved powers of Welsh Ministers would allow the development of Welsh legislation independently, a congested primary legislation programme for the current Senedd term meant this could be some years away.
- Negotiation with DLUCH over the last 18 months has resulted in the application of Design and Construction aspects of the Act to Wales (mainly covered by Part 3 of the Act)
- Also used the opportunity to make “tidying up” changes to the Building Act 1984

Building Safety Act 2022



Design and Construction phase for Wales:

How will England and Wales requirements compare?

- Due to the scale of new high rise built in Wales compared to England, a decision was taken by Welsh Ministers that the BSR independent regulator wasn't a model for Wales
- In Wales the regulator for the Design and Construction phase will be local authority building control. Where the LA is the developer an alternative authority will undertake building control functions
- The white paper confirmed the intention that the more stringent building safety requirements in Wales will start with buildings 18m or more in height or more than 6 storeys. Uses subject to consultation
- Act allows for Welsh Ministers to change the requirements in the future

Building Safety Act 2022



Design and Construction phase for Wales:

How will England and Wales requirements compare?

- The Design and Construction phase process will be similar for Wales and England with a Gateway process for Design and Construction phase. All will subject to public consultation
- Other areas outside the Design and Construction phase taken forward by Wales will include a new requirement for the registration of building inspectors and building control approvers and Operational Standard Rules for Local Authority Building Control and Building Control Approvers
- We are in discussion with the HSE to co-ordinate a Wales and England regime as building inspectors and building control approvers (currently approved inspectors) work in both Wales and England

Building Safety Act 2022



High Risk Building Gateway stages - information requirements and process

Gateway 1 - Planning – Fire and Rescue Service will be the statutory consultee in Wales - fire statement

Gateway 2 - Regulator – Local Authority Building Control

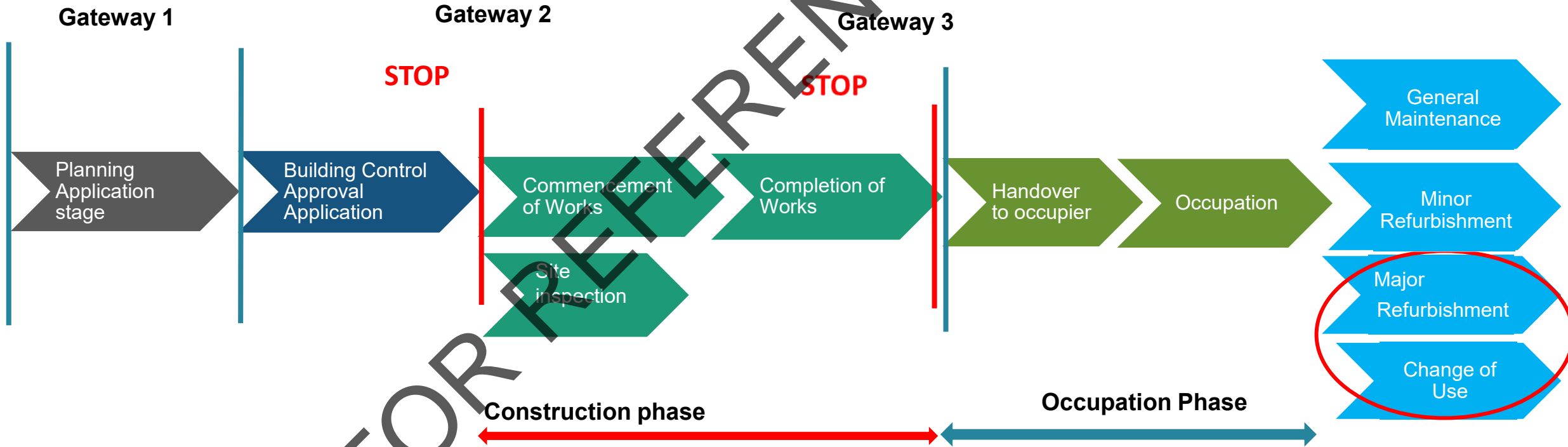
Dutyholder statements of competence. Stop at Building Control Approval application stage. Fire and Emergency File and Construction Control Plan. Opportunity for staged approval

During construction – change notifications, site inspections, compliance notices, stop notices, extended enforcement periods

Gateway 3 - Stop at Completion stage - scrutiny process, as built plans, handover of golden thread. Dutyholder statement of compliance. Full occupation or partial occupation

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Design and Construction phase Gateways



What does this mean for local authority building control in Wales?

Additional responsibilities

- Gateway regime – e.g. plans approval, fire and emergency plans, design changes during construction, compliance notices, stop notices

Increased expectations

- Competence, registration of building inspectors

New delivery model for HRBs?

- Focussed expertise on certain LAs?
- Working with LABC to provide survey and analysis
- Independent Wales Audit Office study into local authority building control in Wales
- Recruitment – Working with CITB to recognise building control in their mapping with a view of more students, apprenticeships - barriers

Building Safety Design & Construction Programme

Progress to date

Phase 1 - June 2022 to April 2024

Approved Inspectors Insurance	Complete
Definition of a Higher Risk Building	Consultation planned February 2023
Regulation of the Building Control Profession including standards, frameworks and restrictions	Consultations commenced October 2022
Operational Standard Rules	Consultation closed November 2022
Building Control Competency Framework	Consultation closed January 2023
Professional Conduct Rules/Code of Conduct	Consultation planned February 2023
Arrangements for the regulation of the Building Control Profession in Wales	Consultation planned February 2023
Cancellations of initial notices and new notices	Consultation planned February 2023
Introduction of registration of the Building Control Profession	April 2024 (Registers to open October 2023)

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Phase 2 – October 23 to April 25

Future roles and regulation of the Local Authority Building Control Bodies

Gateways

Conflict of Interest for Local Authorities

Duty Holders

Fees and charges initial review

Definition of commencement

Varied amendments to general regulations

Introduction of the HRB Building Control Processes – April 2025

Phase 3 – March 24 to April 2025

Step in provision

Higher Risk Building Work for Public Bodies

Fees and Charges second review

Building Safety Act - Approach to producing regulations



Primary legislation - the Building Safety Act 2022

- Parts of the Act that are relevant to Wales (mainly Part 3 - Building Act 1984)
- Building control authorities and building regulations
- Building control approvers and building inspectors
- Miscellaneous and general

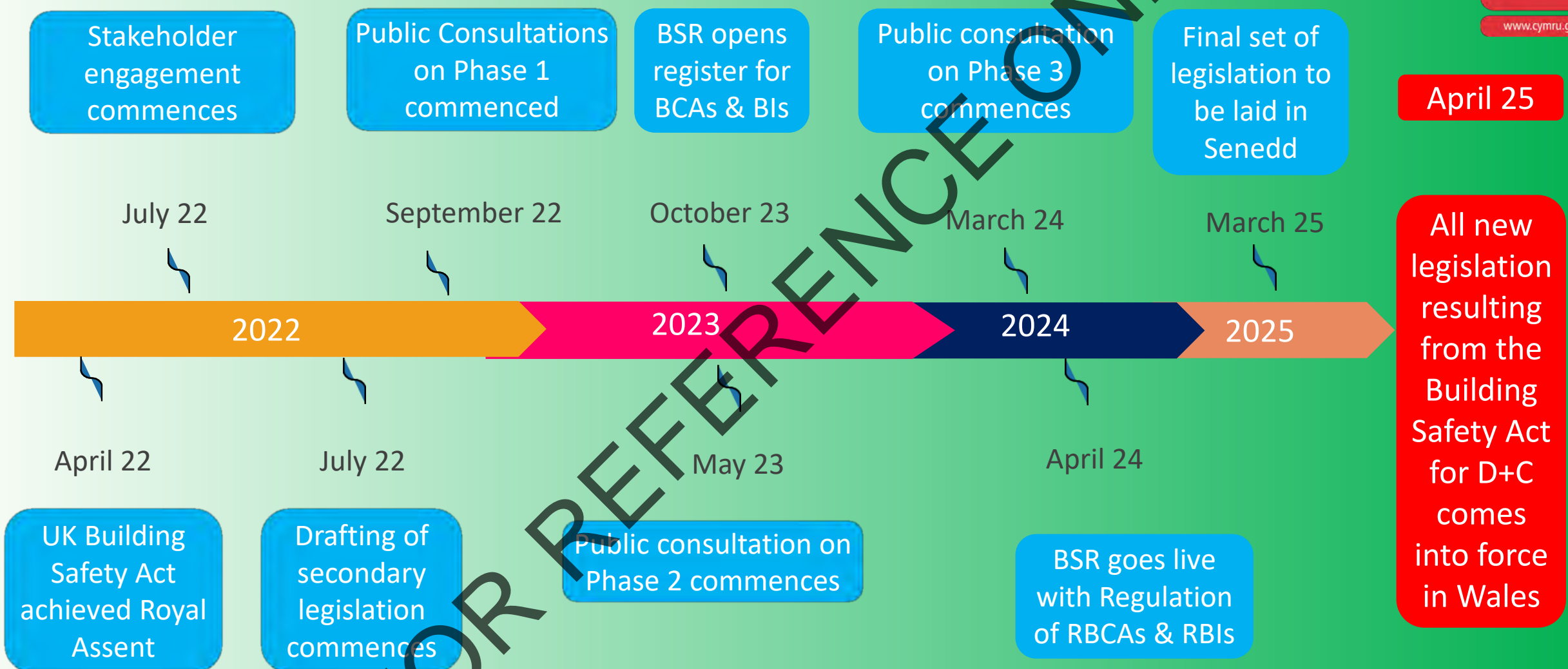
Preparation of Secondary legislation – the regulations

- Proposals/Guidance development
- Stakeholder engagement
- Public consultation / impact assessment
- Consultation response
- Drafting, laying legislation
- Coming into force dates – usually transitional provisions

Building Safety Programme - Indicative Design and Construction Wales Key Milestones



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Questions

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