

Built. Better. Together.

Brian Stevenson
Major Projects Senior Manager

19 September 2023

Changes to Building Control

Government has now published documents necessary to implement the new regime for HRB and regulation of the building control profession.

The Building Regulations etc. (Amendment) (England) Regulations 2023

The Building Regulations (Higher-Risk Building Procedures) (England) 2023

The Building (Approved Inspectors etc. And Review of Decisions) (England) Regulations 2023

The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023

The Building Safety Act 2022 (Consequential Amendments etc.) Regulations 2023





Responses to previous consultations also published

- new Safety Regime for Occupied HRB
- implementing the new building control regime for HRB and wider changes to the building control system
- changes to the building control profession and the building control process for approved inspectors.

The Higher-Risk Buildings (Keeping and Provision of Information etc) (England) Regulations are due to be published soon.

Changes

From 01 October 2023



- Customer choice for building control of HRB buildings will be removed and the BSR will become the building control body responsible for HRB.
- New HRB projects submitted after 1 October will be subject to the new building control regime for HRB.
- The transitional provisions for existing HRB's under construction moving to the new regime commence.
- New requirements will be put in place for Dutyholders across the built environment.
- Wide ranging changes to the building control process for non-HRB including:
 - automatic lapse of plans after three years
 - new definitions of commencement and notifications to building control bodies.

Changes From 06 April 2024

- Building Control will become a regulated profession under the BSR.
- The transitional provisions for existing HRB's under construction will expire and those that have not met the (modified) definition of commencement will revert to the BSR.



Lapse of plans



- Section 32 of BA 1984 amended to make lapse of plans automatic after three years
- applies to individual buildings that have not commenced
- new definitions of commencement for complex buildings, non-complex buildings, horizontal extensions and any other building work.

What constitutes commencement?

Complex buildings

When the foundations supporting the building and the structure of the lowest floor level of **that building** are completed.

Non-complex buildings or a horizontal extension of a building

When the sub-surface structure of the building or the extension including all foundations, any basement level and the structure of ground floor level is completed.

Any other building work

When 15% of the proposed work is completed.



Commencement

Regulation 11: 16b. Dutyholder – start on site notification
Notice before starting work and further notice when work is
“commenced” etc.

What is the change?

- Two days** At least two days before the day on which building work starts, builder to provide notice of date when work is due to commence
- Five days** Not more than five days after the day on which the work is considered ‘commenced’, builder to notify RBI

**What does
this mean for
NHBC and its
customers?**

From 01 October 2023

- Initial Notice and other forms to be updated
- New forms for Part cancellation of IN (in cases of HRB)
- INs will be rejected if it contains a HRB
- Automatic lapse of IN after 3 years
- Builder notifications required for start of plot and at reaching of commencement
- Dutyholder responsibility and competence become an enforceable offence



From 06 April 2024

- NHBC Building Control Services needs to be a **Registered Building Control Approver**
- our surveyors and inspectors need to be **Registered Building Inspectors**
- NHBC's systems and processes will be updated to demonstrate compliance with:
 - Operational Standard Rules for Building Control Bodies
 - Operational Standard Rules Monitoring Requirements
 - Code of Conduct for Registered Building Control Bodies
 - Code of Conduct for Registered Building Inspectors
- transitional provisions for HRBs will come to an end
- changes to application forms and Dutyholder requirements brought in for any Initial Notice served before October 2023 that have not commenced.



New Dutyholder responsibilities

New duty holder requirements outlined in The Building Regulations etc. (Amendment) (England) Regulations 2023.

How does this affect Approved Inspectors?

Regulation 11 of The Building (Approved Inspectors etc. and Review of Decisions) (England) Regulations 2023

Sets out further details of the requirements for Approved Inspectors.

Regulation 16D – notification of Dutyholders

The client needs to inform the approved inspector who the principal contractor and principal designer are, within 14 calendar days of them being appointed.

Regulation 16E – compliance declarations

Where building work described in an initial notice is completed the client must give the approved inspector a compliance declaration prior to issuing a Final Certificate.

Regulation 12 of The Building (Approved Inspectors etc. And Review of Decisions) (England) Regulations 2023

Sets out the grounds to issue notice of contravention if doubt over duty holder and competency.

Approved Inspector Regulations 2023 transitional arrangements

Regulations listed **do not apply** for Initial Notices accepted before 01 October 2023 **if** work on site commences before the 06 April 2024

**Regulations apply for
Initial Notices accepted
after 01 October 2023**

The Building (Approved Inspectors etc. and Review of Decisions) (England) Regulations 2023

Transitional arrangements apply to:

Regulation 8
(inserted Part 2A Dutyholders & competence)

Regulation 11
(new regulations 16A to 16E)

Regulation 12(2) and (3)
(amendments to regulation 18)

Regulation 13
(amendments in relation to fire safety information)

Regulation 16
(substitution of regulation 31)



Higher Risk Buildings



Transitional provisions to new HRB regime

- An IN, or Full Plans application, must have been given (and not be rejected), before 1st October 2023; **and** the HRB work must be “**sufficiently progressed**” within six months of the new regime coming into force (6th April 2024).
- Transitional arrangements will apply to **individual buildings**
- if block meets transitional provisions, BC will stay with existing provider and can continue under the existing regime
 - if work is with an AI, the AI needs to become an RBCA to continue to undertake the BC on HRB which meet the transitional provisions.



Transitional provisions to new HRB regime

- if work does not meet the transitional provisions, or AI does not become an RBCA, work will revert to the BSR and will be subject to the higher risk regime
- existing BCB to notify regulator if work has not progressed sufficiently to meet the transitional provisions
- person carrying out the work must notify the LA within five days after the work is considered to be sufficiently progressed
 - if work is with an AI then the AI should be copied in on the notification
- Completion Certificate or Final Certificate will then be sufficient to satisfy the requirement for the Accountable Person for the building to be occupied.

Headlines – HRB

From 01 October:

- BSR becomes new BCB for new HRBs
- new HRB regime will apply to new applications for Building Control approval to BSR
- responsibility for applications to BSR rest with client
- time Limits for Regulators decisions
 - **Gateway 2 – 12 weeks**
 - **Gateway 3 – 8 weeks**
- stage approvals allowed and subject to same time limits
- FRS and Sewage companies consulted at Gateways 2 and 3.





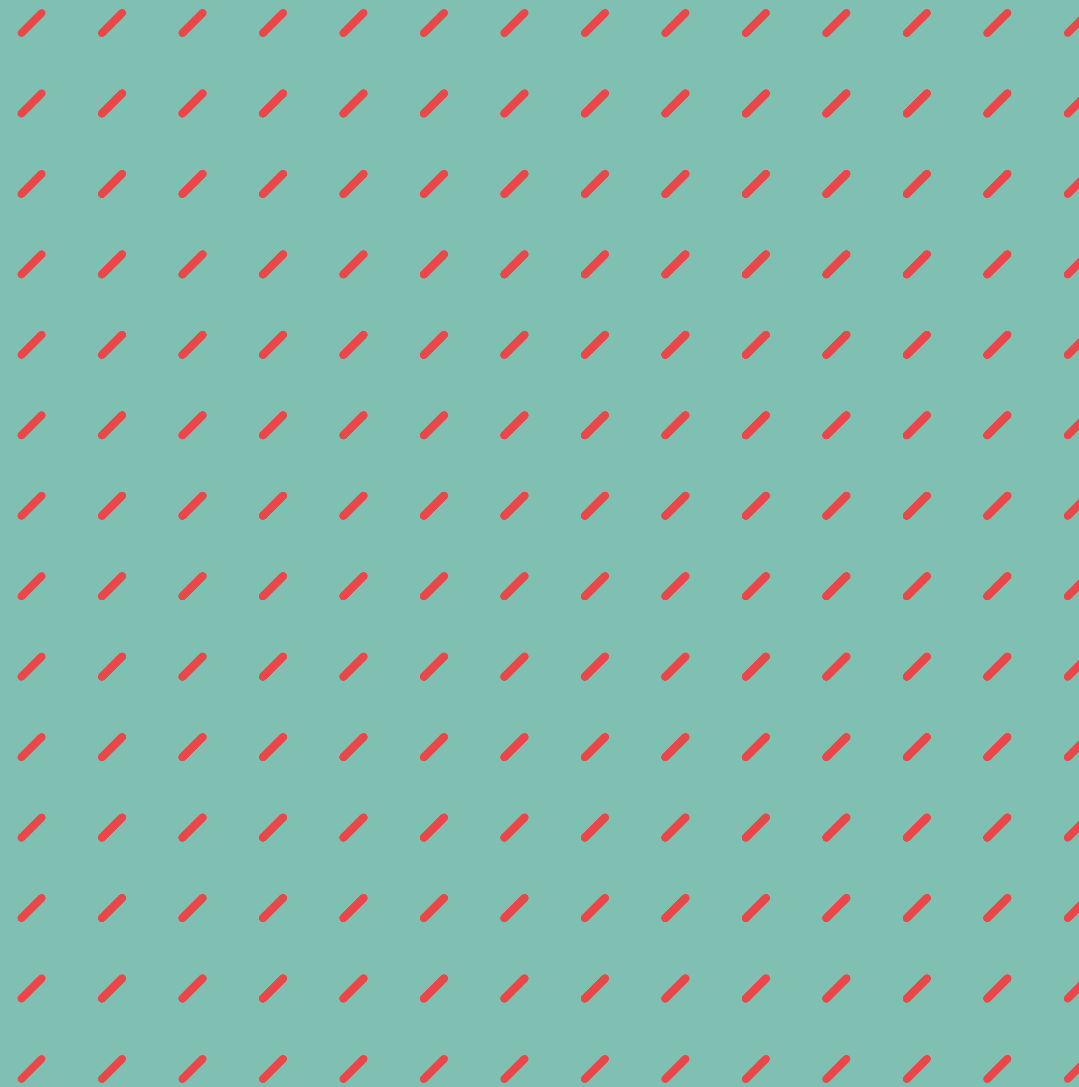
Building Control: An overview of the new regime

Gateways 2 and 3 – application to completion
certificate

www.hse.gov.uk/building-safety/assets/docs/regime-overview.pdf



**What is
around
the
corner?**



Current consultations under review

- Approved Document 'T' consultation – England
- fire safety changes – Northern Ireland
- review of energy efficiency requirements and related areas – Northern Ireland
- enhancing the accessibility, adaptability and usability of Scotland's homes – Scotland.

Thank you

NHBC



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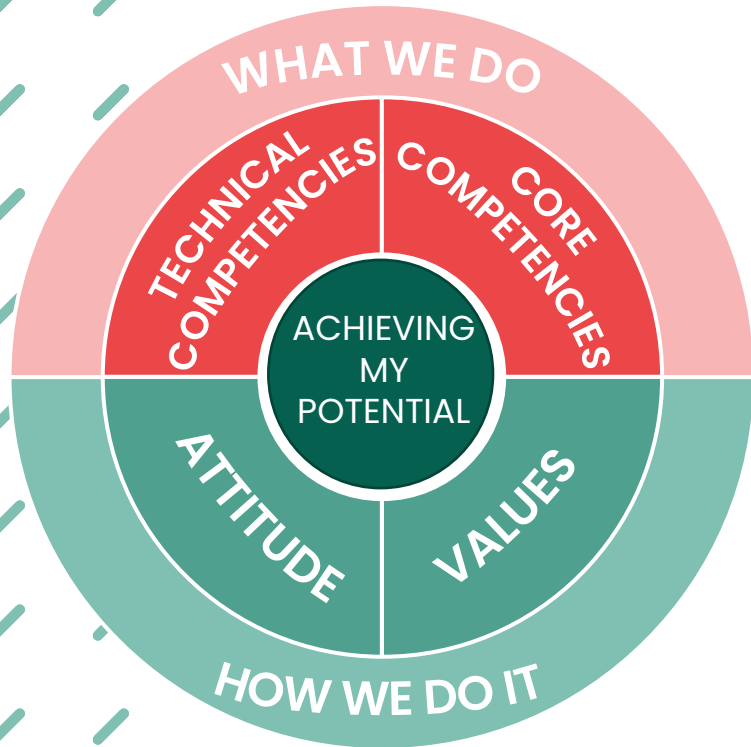
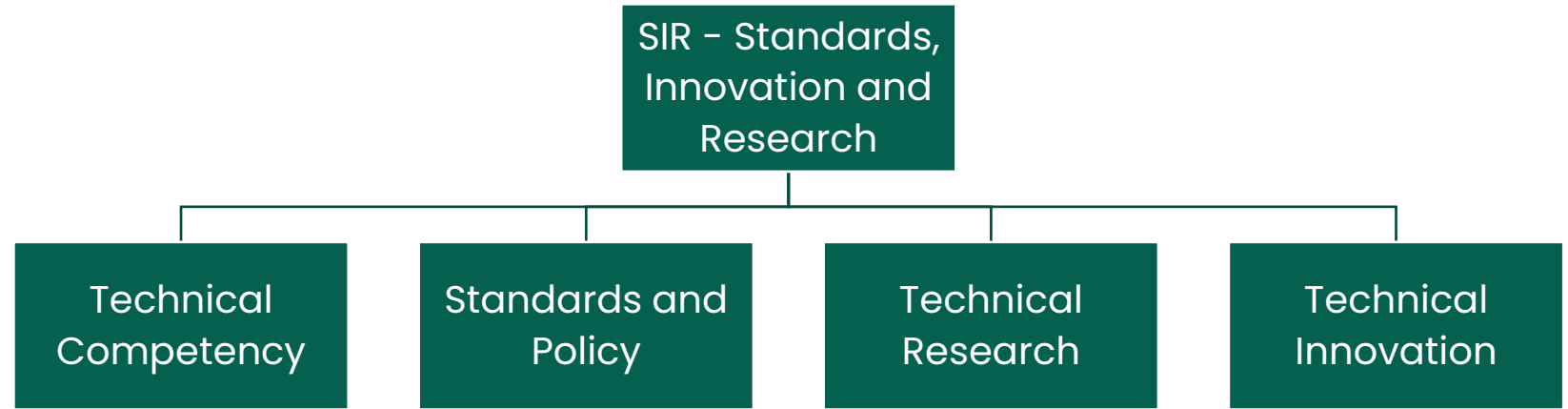
Daniel Hicks
Technical Research Manager

19 September 2023

Purpose of today's update



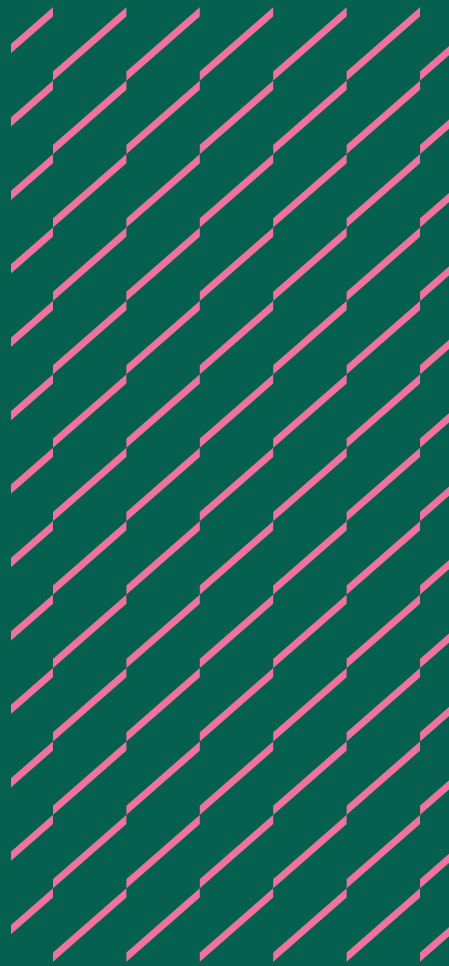
My role – Technical Research



NHBC
Standards
Effective from 1 January 2023

NHBC
NHBC Accepts

NHBC Foundation update

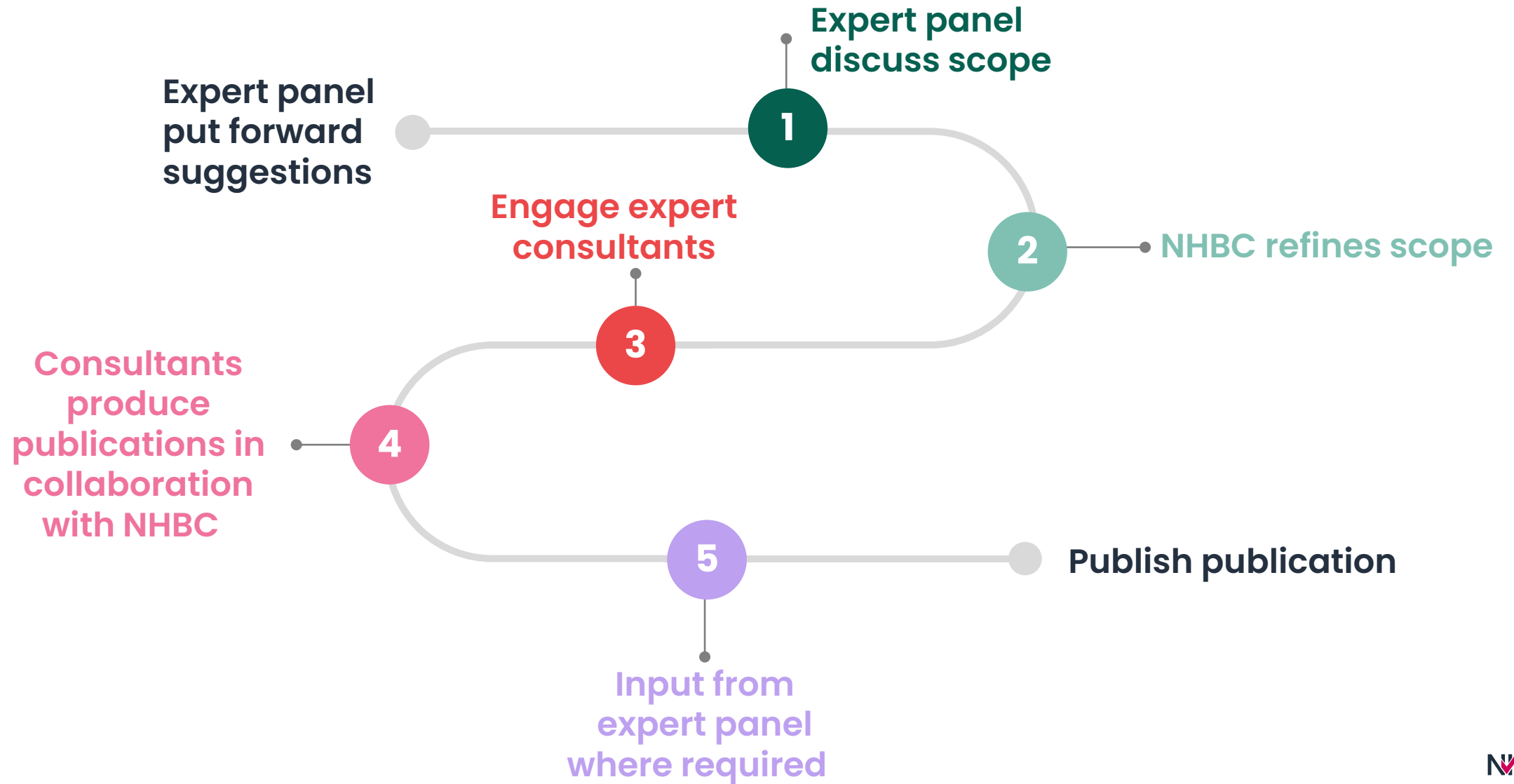


About NHBC Foundation: What is our purpose?

NHBC Foundation was established in 2006 with a purpose to deliver high-quality research and practical guidance to help the house-building industry address the considerable challenges of delivering 21st-century new homes.



How the Foundation works



NHBC Foundation



Featured Report

Hazardous Ground Gas - An essential guide for housebuilders

NF84 | 15 May 2023

Article title or publication no.



Or browse by type:

[Guide](#)

[Informing the Debate](#)

[Primary Research](#)

[Research Review](#)

Focussing primarily on the sustainability agenda, risk management and the consumer.

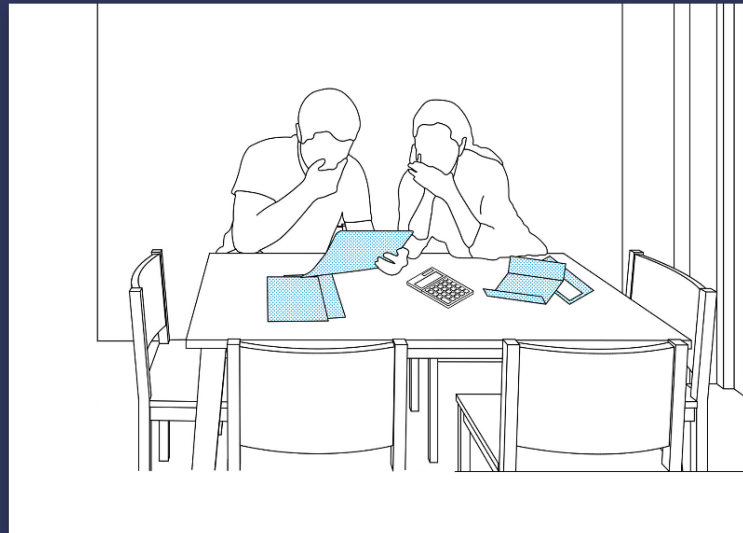
The NHBC Foundation delivers research on housing supply and work that leads to improved technical guidance for designers and house builders. It is also involved in a programme of positive engagement with Government, development agencies, academics and other key stakeholders, focusing on current and pressing issues relevant to the industry.

Highlights

- New NHBC Foundation webpage
- New Chair – Rt Hon. the Lord Barwell
- New additions to the expert panel bringing links to academia, knowledge around access and prevention of accidents.

Future Homes- Avoiding unintended consequences

NF91 25 July 2022



General Themes

Low carbon heating

The icon for 'Low carbon heating' is a blue cloud-like shape. It contains a white gear icon, a white outline of the United Kingdom, and a white lightning bolt icon with raindrops.

Ventilation and overheating

The icon for 'Ventilation and overheating' is an orange cloud-like shape. It contains a white gear icon, a white outline of the United Kingdom, and a white lightning bolt icon with raindrops.

In and around the house

The icon for 'In and around the house' is a green cloud-like shape. It contains a white gear icon, a white outline of the United Kingdom, and a white lightning bolt icon with raindrops.

Further reading explained



Scale of ambition

A statement or data about the scale of the challenge will go here (where relevant).



Technology explained

Summary explanation of the technology featured on the particular page.



Future uncertainty

A climate or other related issue associated with the topic of the spread will be summarised here (where relevant).

Carbon Jargon

A glossary of carbon- and energy-related terms relevant to the house building community



- Looks at the complexity of the language around carbon and energy
- It was clear there was complexity around the language used
- A need for a straightforward, simple set of explanations and definitions which housebuilders, designers/architects, planners and other built environment professionals can adopt

Foundation solutions:

future proofing against
climate change

RSK



- Produced in conjunction with RSK
- Looks at climate change within the UK
- Possible effects on foundation designs
- Future recommendations for NHBC standards.
- Recommendation for NHBC chapter 4.2 Building near trees

Hazardous ground gas

- an essential guide for housebuilders

- Produced in conjunction with Buro Happold and EPG
- Nominated for the Brownfield Awards
- Great engagement/feedback from external audiences
- Going forward standards and policy will look at adopting guidance within the publication into the NHBC standards, subject to industry consultation



Future publications

- Digitalisation
- MMC
- PassivHaus



Lessons from Germany's Passivhaus experience





Future Homes Hub



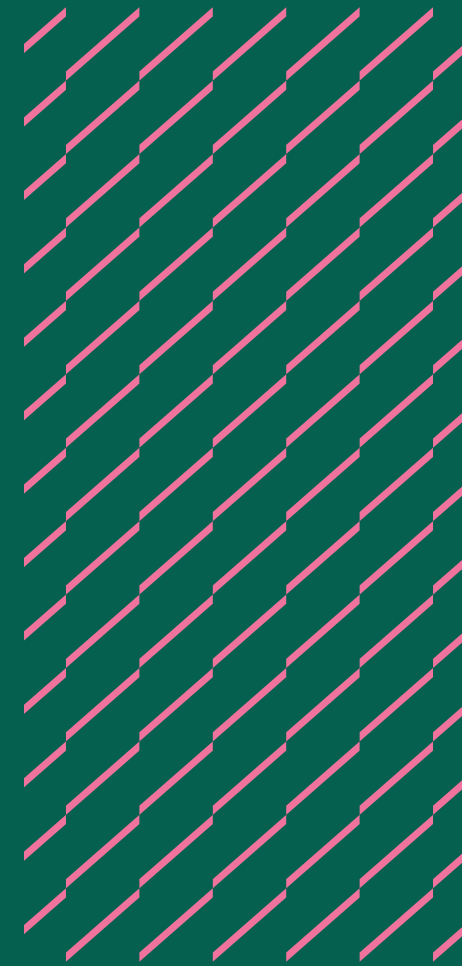
Publications supported

- Part S Guide
- Part O Guide
- Biodiversity net gain
- Embodied Carbon
- BPE
- Water efficiency

Upcoming

- Future Homes Standard working group

Standards and policy update



NHBC Standards

Looking forward to the 2024 Standards

Webinars to be published

[www.nhbc.co.uk/
builders/products-
and-
services/training/
webinars](http://www.nhbc.co.uk/builders/products-and-services/training/webinars)

Over 2000 changes made to
the 2024 Standards.

NHBC Standards

NHBC Standards 2024

Main changes are:

- Chapter 4.6 on engineered fill has been added
- Chapter 8 – Services complete rewrite
- Part 11 MMC to be introduced

Technical guidance notes incorporated

TGN Number	Title	2024 standards clauses
8.1/01	Discharge pipes from UVHWSS in garages	8.1.9.2
8.1/02	Earth bonding - certificate of compliance	8.1.6.1
8.1/05	Pipe insulation in airing cupboards	8.6.3.4
8.1/10	Insulation of heating pipes in timber floors	8.6.3.2
8.1/11	Electrical - earth bonding metal back boxes	8.1.6.1
8.1/12	Sound insulation of soil pipes in floor voids	8.1.10.3
8.1/13	Extract fans - air leakage	8.4.6.2
8.1/15	Plastic plumbing - insulation	8.6.4.1
8.1/16	Air Admittance Valves	8.1.10.2
8.1/17	Wiring to wall lights	8.1.6.1
8.1/18	Consumer unit - labelling	8.1.6.4
8.1/19	Metal splashbacks - earthing/bonding	8.1.6.9
8.1/20	Sound proofing to SVP's	8.1.10.3
8.1/20	Soundproofing to soil and vent pipes (NEW June 2020)	8.1.10.3
8.1/20	Soundproofing to soil and vent pipes (NEW April 2023)	8.1.10.3
8.1/21	Support to cables in cable trays	8.1.6.1

TGN Number	Title	2024 standards clauses
8.1/22	Electrical fittings near cookers, sinks and wash basins	8.1.6.4 & 8.1.6.7
8.1/23	Consumer units - blanking pieces	8.1.6.4
8.1/24	Tracer tapes to plastic water pipes	8.6.2.4
8.1/26	Discharge pipes from unvented hot water storage systems	8.1.9
8.1/27	Protection of electric cables in walls or flat and sloping ceilings	8.1.6.3
8.1/28	Disconnection of built-in kitchen appliances	8.1.6.7
8.1/29	Flush mounted electrical accessories in partitions (NEW March 2017)	8.1.6.5
8.1/30	Mounting height consumer units (NEW October 2018)	8.1.5.4
8.1/32	Pipe insulation with combi boilers (NEW June 2020)	8.6.3
8.1/33	Domestic hot water temp at kitchen sink	8.1.8.1
8.1/34	Corrugated Stainless Steel Tubing	8.1.5.2
8.1/35	Pipe insulation for space heating	8.6.3
8.2/01	Heat pump design and specification	Det8.3.3.3.2

NHBC Accepts update



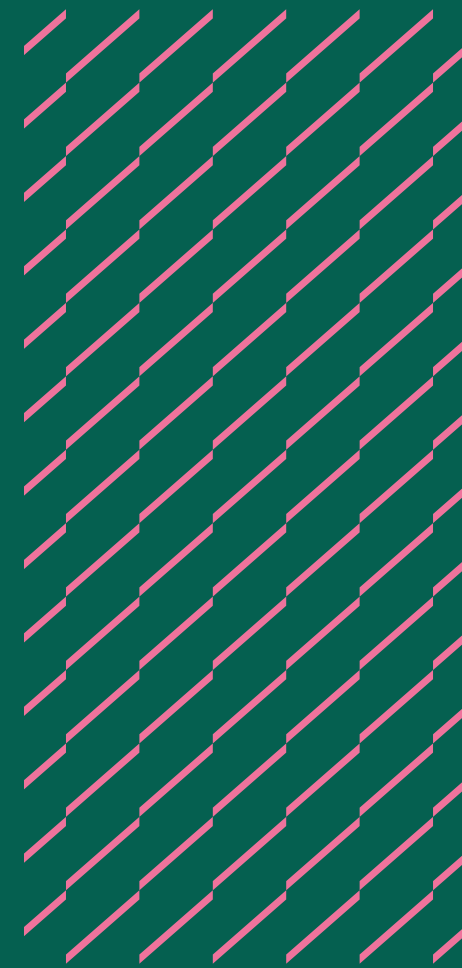
NHBC Accepts

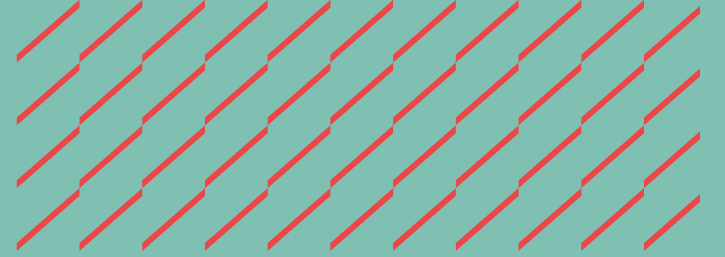


NHBC Accepts



Technical Competency update





NHBC technical competency update

OVERVIEW:

- NHBC to become a Registered Building Control Approver (RBCA)
- BC roles at NHBC will become Registered Building Inspectors (RBI)
- Transitional version of the Building Inspector Competency Framework (BICoF) released in April 2023
- The first batch of third-party assessment schemes approved in July 2023
- NHBC Technical Competency team now in place with framework strategy in progress



Building Inspector Competence Framework (BICoF)

Transitional period to April 2024
April 2023

BICoF released on 28 April 2023

Building Inspector Competency Framework (BICoF)

Roles that carry out restricted activities, or who advise on restricted functions must register in the appropriate class.

Four registrations classes:

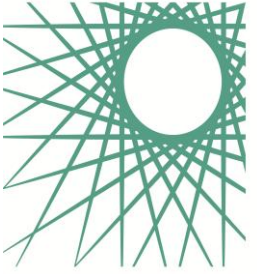
- Class 1 Trainee Building Inspector
- Class 2 Building Inspector
- Class 3 Specialist Building Inspector
- Class 4 Building Inspector (Technical Manager)

**Registration opens from October 2023
and enforcement begins from April 2024**

How do we demonstrate competency to the BSR?


Third-party accredited assessment schemes provided by professional bodies and training organisations

✓ **APPROVED**



cabe
chartered
association
of building
engineers

↓



Engineering
Council

✓ **APPROVED**



BSCF
Building Safety
Competence Foundation

↓



UKAS
MANAGEMENT
SYSTEMS

✓ **APPROVED**



TOTAL
TRAINING AND
DEVELOPMENT LTD

↓



ofqual

NHBC technical competency strategy

Map roles
to BICoF
classes

Training and
communications

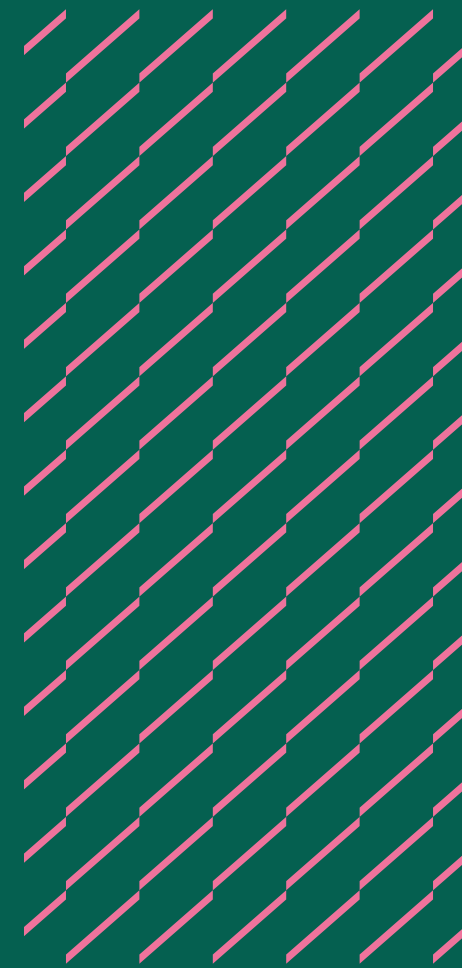
Roll out and
implementation



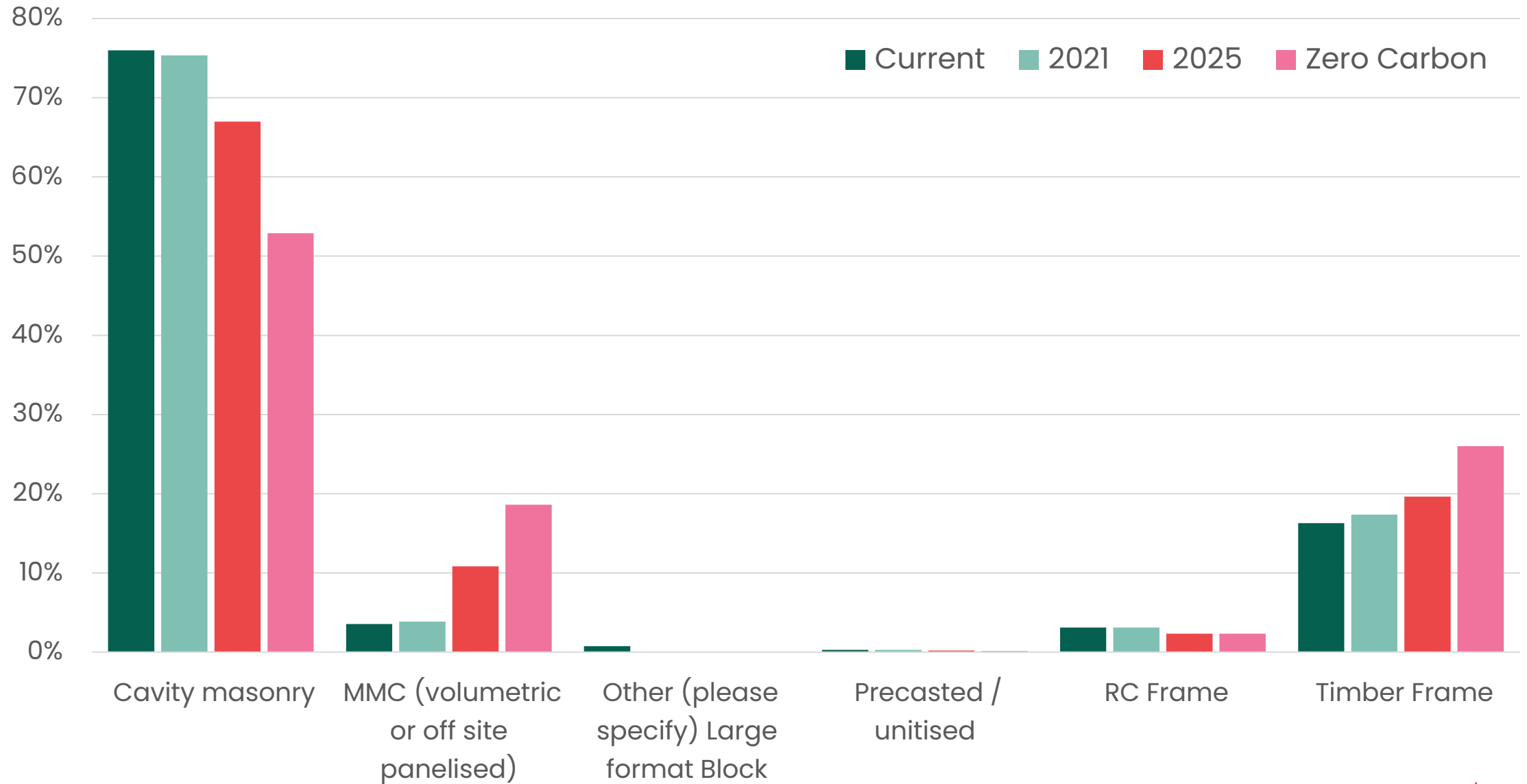
Agree
appropriate
assessment
scheme(s)

Registration
pilot

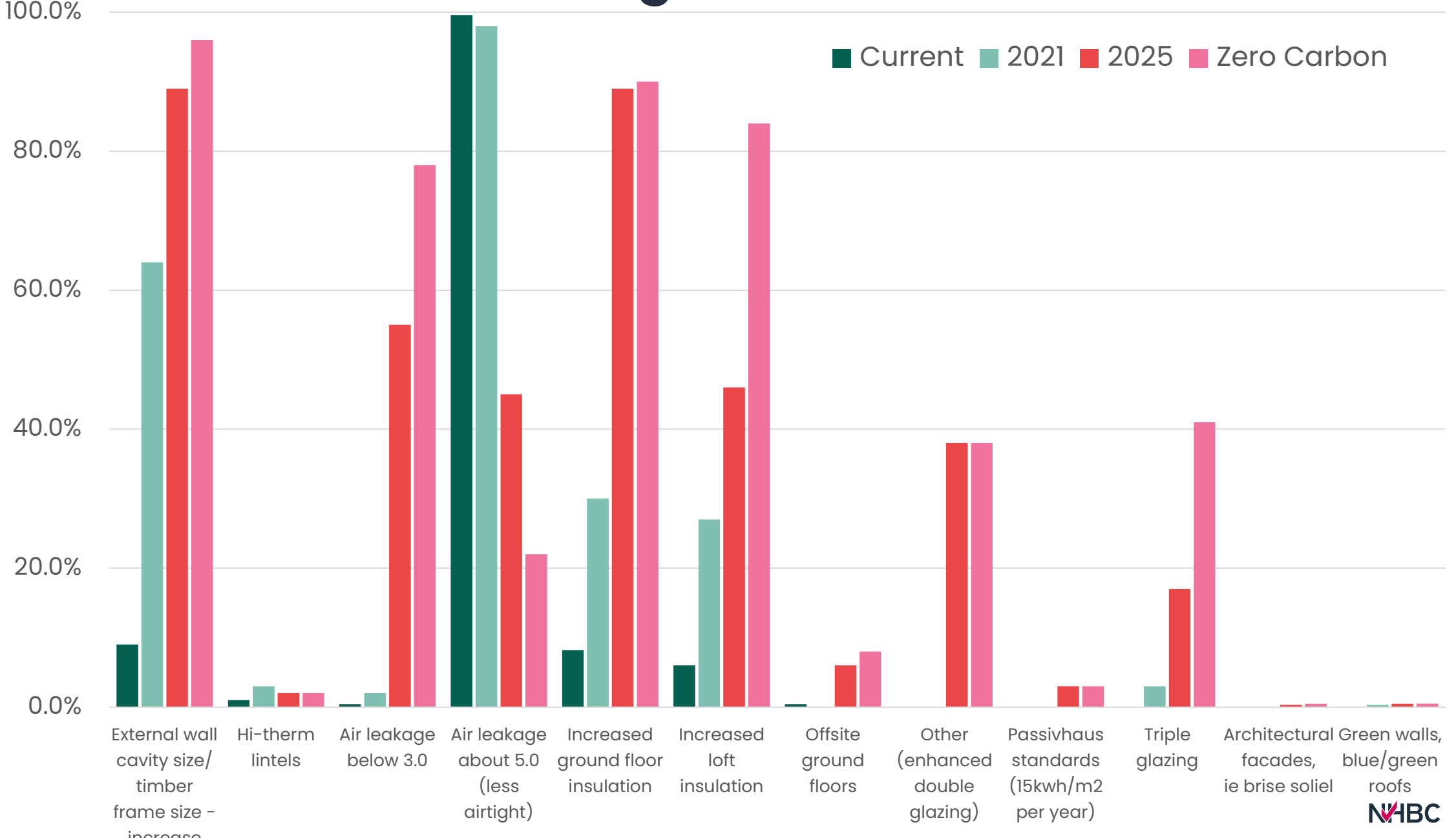
Engaging with industry



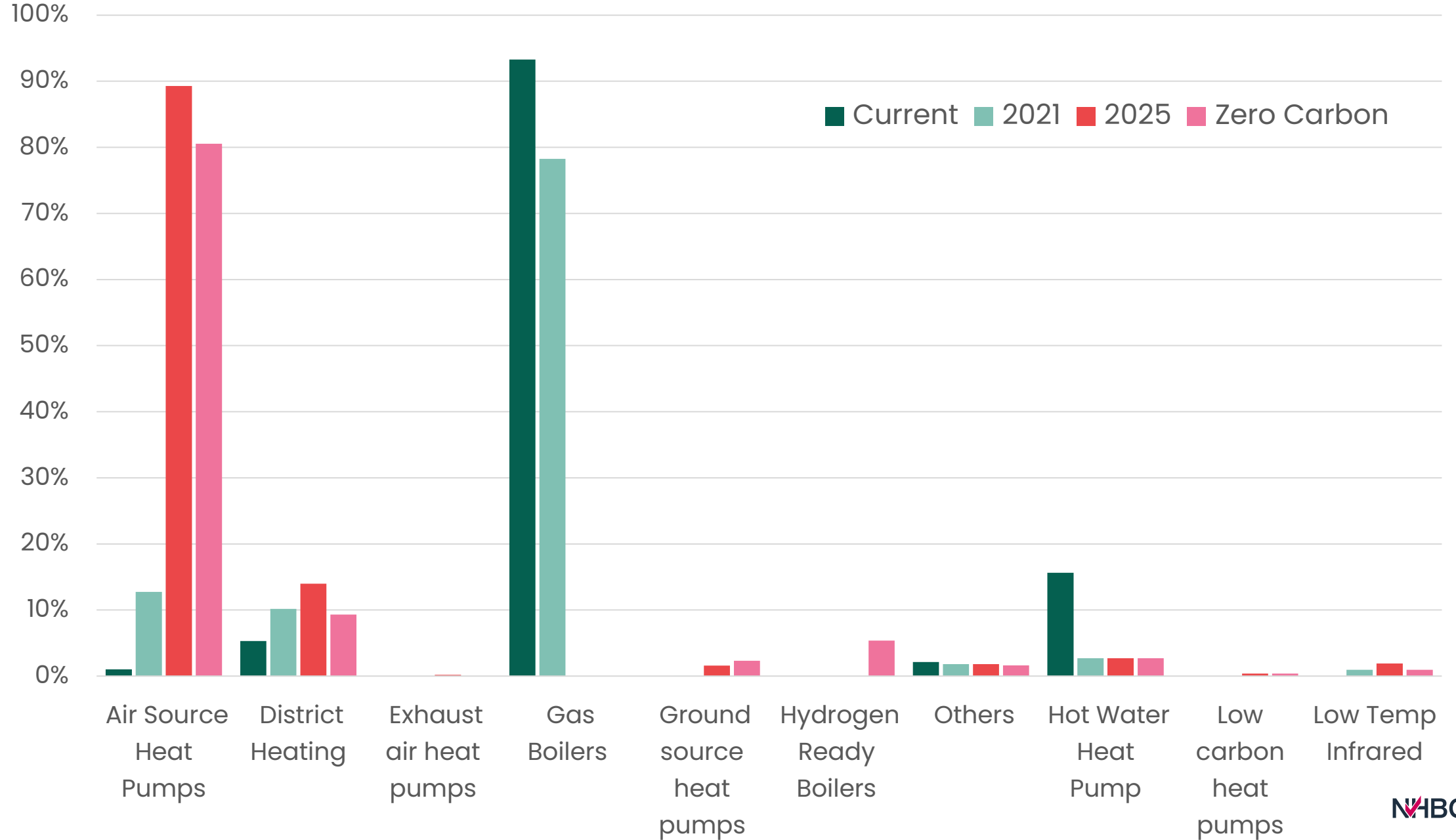
Home type



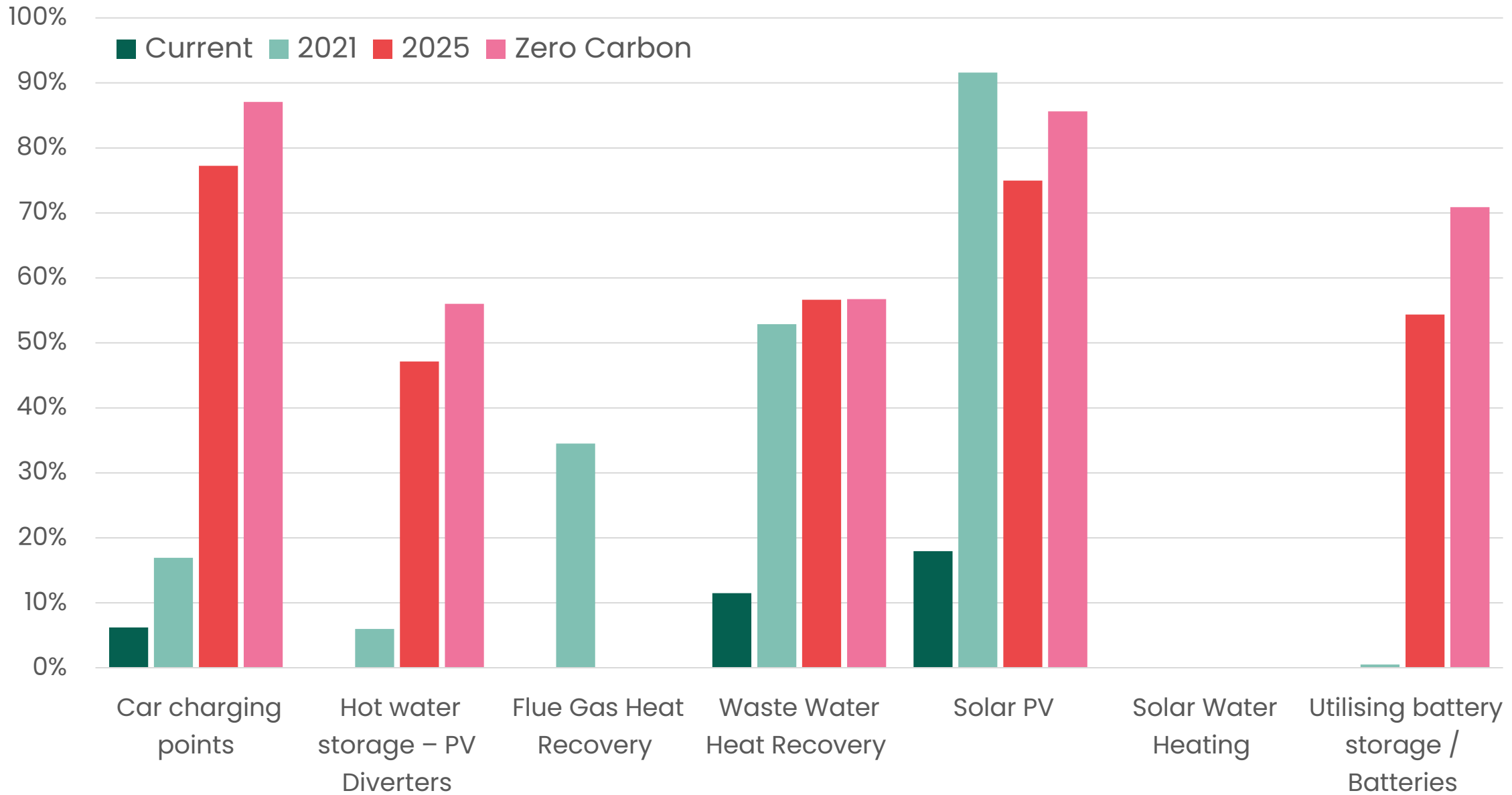
Building fabric



Heating/hot water



Low or zero carbon technology



Working with Industry



- Engaging with industry
- Reviewing standards
- Looking for missed opportunities
- Ensuring the policy meets the needs of future homeowners

Thank you

NHBC

