



The three gateways to building safety

The Health and Safety Executive (HSE) is setting up the new Building Safety Regulator (BSR) to make high-rise residential buildings (HRBs) in England safer.

- From October 2023 the Building Safety Regulator will be established as the Building Control Authority for high-rise buildings. It will assess applications for HRBs, giving permission for building to start where requirements have been met.
- The new regulatory regime for HRBs will put residents' safety first.
- These HRBs will be subject to a rigorous building control approval process: they will pass through three gateway points at the planning, building control approval and completion stages.

Gateways 2 and 3 will act as hold points, ensuring that safety is considered at each stage of the building control process.

HRBs defined as 'higher-risk' under the BSA, 2022 are buildings at least 18 metres or seven storeys in height, and which have at least two residential units, or are hospitals/care homes meeting the height.

The three gateways

- **Land use planning matters related to fire safety** (gateway 1)
- **Building control approval for higher-risk buildings** (gateway 2)
- **Completion certificates** (gateway 3)

3

Land use planning matters related to fire safety (gateway 1)

On 1 August 2021, HSE became a statutory consultee for planning applications for high-rise residential buildings, a service known as Planning Gateway One (PGO). The purpose of PGO is to ensure that fire safety considerations are inherent within the design proposals of relevant buildings before planning permission is granted.

This means that:

- local planning authorities (LPAs) must seek advice from HSE for relevant buildings
- a fire statement for full planning applications must be provided
- HSE will assess each application and provide advice to the LPA, in relation to fire safety matters as they relate to land use planning consideration

To support Planning Officers and Developers with this process, HSE has published guidance on the planning portal: **Planning and fire safety - Planning Portal**.



Sign up for regular updates from the Building Safety Regulator



The three gateways to building safety

Building control approval for higher-risk buildings (gateway 2)

This second gateway point is the building control approval application stage. It will occur prior to construction work beginning on an HRB.

It will see a rigorous inspection of building regulations come into full effect at each stage of the design and construction process.

- It is crucial that dialogue with the regulator is ongoing throughout the construction phase.
- Developers cannot proceed with construction until BSR has approved the application.

Gateway Two provides a 'hold point' where construction cannot begin until BSR is satisfied that the design meets the functional requirements of the building regulations.

This means that plans need to outline exactly how compliance with the functional requirements of the building regulations is going to be met - and that they do not rely on unrealistic management expectations.

- The regulator will be stepping in earlier in the design process and implementing a robust evaluation.
- The higher the quality of an application, the quicker BSR can make an assessment.
- A multi-disciplinary team (MDT) will be assigned to each submission, and this will include a Registered Building Inspector, and any other specialists required to assess a submission.
- Starting building work without approval from BSR will be an offence.

In your application you will need to:

- provide a comprehensive outline of the work that will be carried out; information about the building itself and the people involved in the building, such as the client, principal contractor and principal designer
- set out standard building information, such as the site location plan and boundaries, and a fire and emergency file
- provide a construction control plan (setting out how building work will be managed to maintain building regulations compliance), and a building regulations compliance statement (including reasons for the approach adopted)
- provide a change control plan to show how any proposed changes will be considered; and where relevant, a partial completion strategy



Sign up for regular updates from
the Building Safety Regulator



The three gateways to building safety

Completion certificates (gateway 3)

This third and final stage of the gateway process will introduce a 'hold point' at the completion of a project before occupation can occur.

This allows the safety of future occupants to be the highest priority, as construction comes to an end. This important part of the new regulatory framework will ensure that BSR has the required information to issue a completion certificate.

The planning for this stage starts at the beginning of the building control process, to ensure that a programme is in place to allow the collection of all necessary information, right from the start.

- This is the 'Golden Thread' of building information. It is essential that commissioning and certification is scheduled well in advance, so it coincides with the submission of the completion certificate application.

At this point, BSR will undertake statutory consultations as appropriate with the fire and rescue service and review the submitted information forming the application.

The completion certificate application involves the submitted information forming the application - signed by the client, principal designer, and principal contractor - confirming that to the best of their knowledge, the HRB, as built, complies with all applicable requirements of the building regulations.

- For the completion certificate to be approved, there must be sufficient evidence to support that what was built reflects the approved plans, and the requirements of the building regulations have been met.

Once BSR receives this information, the application will be processed as swiftly as possible, so as not to cause undue delay. This is why incorporating this stage of the process into your overall programme timeline is critical.

- Only once Gateway Three has been passed can the new building be registered with BSR. The building can only be occupied after registration is completed.

More detailed guidance on the Gateways process can be found at [Building Control: An overview of the new regime](#)



Sign up for regular updates from the Building Safety Regulator