



White Paper

Challenges and Opportunities in Implementing the Higher Risk Buildings (HRB) Regime under the Building Safety Act 2022

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Executive Summary

This White Paper captures insights from a recent roundtable event at the Building Centre, co-hosted by Benx Facades and AESG Specialist Engineering Consultants. The event brought together 18 senior leaders from leading architectural practices, product manufacturers, façade consultants, contractors, and risk and insurance specialists.

The discussion focused on the Higher Risk Buildings (HRB) regime, introduced in October 2023 as a cornerstone of the Building Safety Act 2022. Intended to embed a safety-first culture within the UK construction industry, its aim was to provide a clear roadmap for safer design, construction, and management of higher-risk residential buildings. However, industry experience has revealed systemic delays, resource constraints, and regulatory ambiguities that are eroding market confidence and undermining both the efficiency and effectiveness of the regime.

This White Paper explores the key challenges identified and sets out areas requiring urgent attention to ensure the regime delivers on its intended purpose.

Key Challenges

1. Current Status of the HRB Regime – A System Under Pressure

Introducing fundamental changes to a planning and construction management regime was always going to be challenging. Yet many of the reasons for these delays are attributed to a poorly designed process, inadequate planning and unrealistic assumptions about industry and regulator capacity.

1.1 Gateway 2 Delays

Gateway 2 has become the most significant pressure point. It is not uncommon for Gateway 2 submissions to take 40 weeks or more to emerge with a decision, compared to the 12-week statutory target. A Freedom of Information request in June revealed that of 2,352 Gateway 2 applications to date, only 432 (18%) had been approved.

1.2 Professional Shortages

One of the main factors contributing to Gateway 2 delays is the shortage of qualified professionals, notably, experienced Registered Building Inspectors (RBIs). The most recent data (July 2024) shows that there were 464 Class 3 RBIs – and Gateway 2 application reviews is only a small part of their work. This problem is likely to worsen, given that many of the current cohort will reach retirement age in the next five years, and the qualification period to reach Class 3 is 7 to 10 years.

1.3 Gateway 3 Risks

If the Gateway 2 bottleneck is resolved, the log jam is likely to be even greater at the Gateway 3 stage, when projects reach completion. Delays will have a significant impact on developers at the point in the construction programme when working capital requirements are greatest. While many projects currently nearing completion fall under transitional arrangements, this issue is likely to emerge at scale in the coming years, with severe liquidity consequences across the supply chain.

1.4 Changing skylines

Some participants noted that concerns about the HRB approval bottleneck and the adverse implications for project economics have led several developers to withdraw from HRB projects for the foreseeable future. Development cycles that historically followed a 4-year ‘build to exit’ horizon are now stretching to 6 years, with investors becoming less likely to invest in tall towers. Others remarked that this could potentially change the urban skyline – and ultimately, communities.

1.5 Extending the HRB definition

Participants commented that the House of Lords Industry and Regulators Committee’s building safety inquiry is considering extending of the HRB regime to other forms of residential buildings. This aligns with the Grenfell Inquiry (Phase 2) Report’s recommendation that the definition of HRBs should be reviewed. Participants expressed concerns that although such changes may be appropriate, any extension of the HRB definition without addressing current issues will exacerbate the existing challenges.

1.6 General mood

These concerns added to a general air of pessimism from the participants about UK residential construction outlook over the short-to-medium term; the other factors being a weak housing market, few recent housing starts, economic uncertainty, and weakening business and consumer confidence.

Some participants expressed concern that Building Safety Act's core aim – driving the construction industry towards a 'safety-first' culture – was being undermined by the inefficiency of HRB regime it introduced.

2. Lack of a Holistic Risk Framework

A recurring theme in the discussion was the lack of a cohesive policy, legislative and regulatory framework to capture risks in a proportionate way. Specifically, participants felt that the piecemeal evolution of the current laws and regulations has resulted in a design and construction regime that lacks a much-needed 'joined-up' approach.

There is a substantial focus on combustibility of construction materials in taller residential buildings, while other risks such as condensation and structural considerations can lack equivalent attention. Participants noted that there is no cohesive framework, as well as conflicts in certain areas of the Building Regulations, resulting in a patchwork system that fails to support balanced, long-term risks management.

2.1 Aligning policy to evidence

Several participants commented on the inconsistency between policy and evidence in relation to fire risk. Of the 208 deaths in dwelling fires in England, for the year ending March 2025, over 85% occurred in low-rise homes, Houses in Multiple Occupation (HMOs) in particular – yet combustible materials remain permissible in the external walls on these properties.

2.2 Mould as a health hazard

Until recently, other – more prevalent – risks have been given insufficient emphasis. The death of two-year old Awaab Ishak in 2022 highlighted the health risks associated with mould, caused by excess moisture and poor ventilation. Moisture management in design and construction is addressed in Approved Document C but largely relies on professional judgment and calculations. Participants noted that remediation projects often involve buildings that face not only fire safety issues, but also damp and condensation issues, which must be addressed in parallel during remediation. Claims under the Defective Premises Act claims related to mould are also rising.

2.3 Overheating in modern housing

Overheating in modern housing, driven by both energy efficiency measures and climate change, represents a significant and increasing health risk. In July 2022, there were 3,000 excess deaths in England and Wales attributed to heat. While Part O (Overheating) of the Building Regulations requires new residential buildings to be

designed to limit overheating, this only applies to development applications submitted from June 2022, leaving millions of residents in existing homes at risk.

Participants also noted conflicts between Part L (Energy Efficiency), Part O and Part F (Ventilation). While Part L promotes high levels of insulation and airtightness to minimize heat loss, Parts O and F require openings (or mechanical ventilation) for cooling and fresh air, making compliance complex and sometimes contradictory

2.3 Mixing prescription with judgment

Participants observed that Approved Documents often include highly prescriptive requirements alongside subjective guidance – sometimes in respect of the same risks. For example, Approved Document B (fire safety) provides specific guidance on prescriptive routes to compliance for external walls of HRBs, such as material classifications, cavity barrier placement, and boundary separation distances. However, it also allows for compliance via engineering solutions, creating inconsistency.

Trade-offs between fire safety and thermal efficiency were also highlighted, particularly in remediation projects. Because remediation projects under the Building Safety Fund are focused on fire safety, there is little incentive for building owners to improve upon – or even maintain – the existing thermal performance. For example, EPS insulation provides higher thermal efficiency than non-combustible mineral wool, but practical constraints often prevent sufficient mineral wool thickness to maintain thermal performance.

3. Specific Gateway 2 Challenges

3.1 Organisation and Resources

Most participants noted the Gateway 2 process as difficult to navigate, describing inconsistent requirements and responses from the Building Safety Regulator (BSR) from project to project. This links back to resource constraints and the need for geographically dispersed Multi-Disciplinary Teams (MDTs). MDT formation alone can take 4–6 weeks, adding to time pressures. The recent announcement by Andy Roe, Non-Exec Chair of the BSR, of assembling a central team of 15 RBIs to ‘fast-track’ applications was welcomed but viewed as insufficient given the scale of the challenge.

3.2 Specifier Challenges

The HRB regime is designed to tackle the fundamental issues of ‘design on the scaffolding’ and late-stage ‘value engineering’. By mandating full plans and safety documentation before construction can commence, the Act has significantly increased the front-end workload. While the principal is sound, this shift has created major

challenges for smaller firms that lack resources to manage multiple project deadlines. Professional fees are more heavily skewed to early design stages, and although larger firms anticipated these changes, smaller ones have struggled. Detailed guidance only became available at the launch of the HRB regime, compounding the challenge of preparing for this transition.

3.3 Lack of Clear and Consistent Guidance

The recent CLC Guidance Suite is a step forward but remains high-level and ambiguous in terms of required specification detail. There is also uncertainty around the 'Approval with Requirements' route, and little direction on how the BSR will handle such applications. Feedback on declined applications has been minimal, often reduced to vague references to unmet criteria.

3.4 Absence of Collaboration and Transparency

Participants expressed frustration at the lack of collaboration during assessments. The process was described as 'opaque', with little feedback from MDT meetings ('we can see what's going in, but not what's coming out'). The absence of a channel for real-time clarification was seen as counterproductive and a barrier to efficiency.

3.5 Product and Supplier Constraints

Specifying safety-critical products in Gateway 2 creates additional risks. Products selected at this stage may not be available when construction begins years later. Changes due to product unavailability could be classed as 'Major Changes', requiring BSR approval and potentially delaying projects further. Participants suggested mitigating this through specifying alternative products at G2 stage or developing product passports that could allow flexibility without undermining compliance.

3.6 Principal Designer and Principal Consultant Roles

Most participants were comfortable acting as Principal Designer (PD) on HRB projects but raised concerns that Gateway approvals do not provide conclusive evidence of compliance with Building Regulations. This also applies at Gateway 3, where completion certificates provide limited comfort for conveyancing but do not shield against liability. While the deliberate separation of regulator and service provider roles is consistent with legislative principles, it risks undermining the perceived value of the BSR and creates uncertainty for duty holders.

4. Ideas and Suggestions for Improvements

- **Accelerate Resourcing of RBIs** – Expand training pipelines; introduce secondments from industry/professional firms (similar to the financial sector – e.g. CMA, TPR, Takeover Panel); explore interim international recruitment.
- **Improve Gateway 2 Efficiency and Transparency** – Standardise templates, feedback, and case study sharing; enable structured applicant–MDT dialogue.
- **Strengthen Regulatory Cohesion** – Review and reconcile conflicts in Parts L, O, and F; develop a holistic risk framework.
- **Enhance Guidance Clarity** – Define acceptable specification detail; share examples of successful and rejected applications.
- **Address Supply Chain Realities** – Allow pre-approved product alternatives; introduce product passports.
- **Clarify Legal Standing of Approvals** – Reassess the balance between regulatory oversight and applicant accountability.
- **Holistic Alignment of Policy** – Review Building Regulations and Guidance for conflicts/ambiguity
- **Invite Principal Designers to MDT sessions** – their input could expedite assessments.
- **Reintroduce independent oversight** – such as a modernised Clerk of Works role or a Competent Contractor scheme, to ensure ongoing quality control by qualified and experienced professionals.

Conclusion – from Diagnosis to Action

The roundtable highlighted that while the Higher Risk Buildings regime is a crucial milestone in the UK's building safety journey, it is currently under severe strain. Shortages of inspectors, bottlenecks at Gateway 2, gaps in holistic risk regulation, and fragmented responsibilities are all slowing progress and undermining confidence. Left unresolved, these challenges risk stalling development, constraining capacity, and preventing the regime from meeting its fundamental purpose: safer, healthier, and more sustainable buildings.

But the discussion also pointed to a clear path forward. Many of the solutions are already within the industry's reach. Expanding training pipelines, pressing for clearer guidance, aligning regulations, and embedding structured dialogue with the regulator are not just policy issues — they are opportunities for practitioners, consultants, and developers to shape a more workable system.