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Building Regulations: Change is the Only Constant

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Construction

Introduction

No matter what kind of construction or building trades you're involved in, there are undoubtedly piles and piles of regulations and legislation that dictate how you work, what you do, and how you respond when something goes wrong.

As much as we all wish things were simpler and we could just get on with the job, these rules and regulations are essential to ensure that work gets done safely and that the finished product meets the required standards.

There are building regulations that specify minimum material and workmanship standards. Permit and inspection regulations tell you what you need to do before you start work and when you need to stop to have a professional evaluate what you've done.

Then there are health and safety and quality regulations that are designed to ensure that everyone goes home safely and that everything you do is safe for the people who will use the spaces you've built, plumbed, wired, or otherwise worked on.

Building regulations might not be our favourite thing, but they help to ensure that the built environment is as safe and durable as possible for all of us, and they are a fact of life in the construction world.

Let's take a closer look at why we have building regulations, how they have changed and evolved over time, how they might impact how you get the job done, and how construction technology can help.

The Impact of Building Regulations and Regulation Changes

Before we get into the how and why of building regulations, it's important to understand how they impact companies that work in construction and specialist sub-trades.

While you might think of regulation changes as simply an annoyance, they do have some genuine effects on what we do and how we do it. These might affect:

- **Project costs –** major building regulation changes can change the way we complete one or more elements of the work and might even change the materials we use to do the job.
- **Project timelines –** regulation changes could affect everything from how long we have to wait for permits and inspections to how long we have to let the concrete set or what kind of equipment we need to use on that task, all of which will affect timelines and labour costs.

It's important to understand building regulation changes in this context because they might require you to change your pricing and project plan. Building regulation changes that happen during a project might also mean you need to apply for change orders or extensions of time.

So, it's not only important that you know how building regulations change your work but also how it will affect the cost and scheduling of your projects.

A Brief History of Building Safety

One of the most frequent areas for building regulation changes is building safety. Often, these changes are driven by real-world situations, which allow health and safety planners and legislators to identify common problem areas and develop processes and procedures to mitigate some of the risks.

But things weren't always like that.

We've all seen construction photos from the early 20th century where City without a single harness in sight.

In Britain, health and safety measures started finding their way into factories around the same time as the industrial revolution was gaining momentum – around the early 1800s. In fact, the first factory inspectorates were formed in 1833.

But it still took quite some time before protections for workers became entrenched in legislation, and it wasn't until 1974 that the UK got the Health and Safety at Work Act.

Over time, as new risks came to light and methods changed, these laws have evolved and changed right alongside, and the truth is, we'll never be "done" creating laws to protect people at work. Every time we do something new or in a different way, legislation will be necessary to ensure it's done safely.

While that might slow things down a little and might add to costs a little more, it's all worth it if everyone gets to go home to their families every night.

Legislation Changes

When most of us think about laws changing, we think of politicians arguing in Parliament. We imagine weeks of debate, several rounds of voting and all kinds of news coverage.

But the truth is, while we do certainly have those kinds of legislative changes, many laws and regulations are introduced or updated without all that fanfare.

Building regulations usually fall into that quieter, quicker category, and it's not unheard of to have dozens of small changes to various pieces of legislation every year.

There have been some bigger, more impactful changes to building regulations recently, though. So, let's take a look at what those are and how they might affect your job or your business.

Recent Changes to Changes to Part L, Part B, Part F and Part 0 On Ventilation

Changes to building regulations happen fairly regularly, but usually, those changes are relatively small and don't have a huge impact on the industry. Recent changes to Part L, Part B, Part F and Part 0, however, are a little different. Here's what you need to know about what these changes are and what you need to do to remain compliant.

Part L History and Compliance

Part L, or Document L as it's also known, is a relatively new addition to the building regulations, having come into force in June 2022.

Part L is a guideline for fuel and power conservation in buildings. It is designed to help the UK government plan to reach net zero as soon as possible, and it applies to both new builds (Part L1A) and renovations (Part L1B.)

Because it governs the design, specifications and construction methods for all new buildings and most renovations, and because it aims to reduce CO2 by 30%, Part L has already and will continue to have a profound effect on nearly every part of the construction process.

Not only must companies design and build according to Part L recommendations, but compliance must also be documented on paper and photographically throughout the construction process.

While there is currently some leniency when it comes to enforcing Part L, particularly when plans for the building were approved before June 2022, compliance will be mandatory as of June 15, 2023.

Read More:

All You Need to Know about Part L Building Regulations (Viewpoint blog)

Statutory guidance - Conservation of fuel and power: Approved Document L (UK Government document)

Part B History and Compliance

Part B, also known as Approved Document B, is a building regulation that has been around for some time, having first become law in December 2010.

However, everything changed in June 2017, when poorly selected cladding panels, inferior fire prevention measures and several other factors combined to create arguably the UK's worst modern fire disaster.

Grenfell Tower burned for 60 hours, and 72 people lost their lives.

Part B has since been updated, with the most recent changes at the time of writing coming into force in December 2022.

Approved Document B and related documents and guidelines set out new recommendations for building design, materials and methods that are intended to improve fire safety and hopefully prevent another disaster like Grenfell Tower from ever happening again.

Because Part B has been part of the building regulations for more than a decade, and all of the amendments and additions are already in full force, every contractor and specialist trade is required to design and carry out their work in compliance with the regulations.

Read More:

Statutory guidance - Fire safety: Approved Document B (UK Government document)

Part F History and Compliance

Part F, also known as Approved Document F, is a set of building regulations that govern ventilation in buildings in the United Kingdom.

There are two main volumes in Part F. Volume 1, which governs residential buildings, and Volume 2, which sets out the requirements for commercial and public buildings.

These ventilation regulations have been around for some time, having first become law in December 2010, but they have been updated and amended several times, the most recent being in June of 2022.

Changes to the ventilation regulations set out in Part F are partly to improve the ability of the government to reach its CO2 emissions goals and also to improve the overall air quality in buildings, which, since the Covid pandemic first started, has become a priority for governments around the world.

Read More:

Statutory guidance - Ventilation: Approved Document F
(UK Government document)

Part O History and Compliance

Part O, also known as Overheating: Approved Document O, is a set of building regulations that largely govern glazing and the amount of heat and light windows and other glazed panels, doors, and features allow into buildings.

This set of building regulations has been put in place to ensure that buildings are designed to balance the amount of light windows let into buildings without overheating the spaces within the building.

These regulations first came into force in December 2021, so they are quite recent, but they were also updated in June 2022 to bring them in line with other legislation designed to lower C02 emissions related to the heating and cooling of buildings.

Read More:

Statutory guidance - Overheating: Approved Document O
(UK Government document)

Developer Remediation Contract

One of the biggest challenges facing the built environment in complying with all of the regulations mentioned here and others is that new construction is only a tiny fraction of the buildings in the United Kingdom.

There are many times the number of older, existing buildings, most of which don't meet modern safety standards.

One way that the government hopes to bring all of these buildings up to standard (eventually) is through the Developer Remediation Contract, which is an agreement with 49 prominent developers to go back to projects that are taller than 11 meters, and that they have completed over the past 30 years and bring them all up to modern standards.

It's a monumental task, of course, but since we need buildings to be safe as well as functional, it's a very important one too.

Grenfell's Impact

There's no denying that the Grenfell Tower tragedy shone a spotlight on serious problems in building safety and the building industry as a whole.

Lower-cost, non-fire-retardant cladding panels almost certainly played a large role in the fire that claimed so many lives and made the news around the world, but they weren't the only problem that contributed to this historic fire.

However, even though we all hope nothing as terrible as the Grenfell Tower fire ever happens again, it did spur government and industry to agree that buildings like these need to be remediated and retrofitted so that they are safer spaces for everyone.

What the Contract Includes

The scope of the Developer Remediation Contract is mind-boggling, but it's not unlimited. There are several stipulations that set out which work must be included and which is excluded.

The primary focus of the contract is safety, so the focus is on life-critical fire safety issues. In other words, where highly flammable materials have been used, they will be replaced. However, the contract does not include other sub-standard materials or even those that might be failing for other reasons.

Developers who are party to the contract must obtain PAS 9980 assessments for external walls, with a focus on fire safety.

Buildings are to be inspected and assessed internally, using a variety of current standards and regulations to identify fire safety hazards that should be addressed.

As part of the developer remediation contract, developers will cover the direct costs of remediation where deemed necessary, but not indirect costs like security and alarm upgrades.

At the end of this process, buildings will be inspected again, and fire safety will be assessed once more.

As you can imagine, this is a huge undertaking that will take several years to complete. Every remediation project must be extensively documented and audited to ensure full compliance, and since the parameters for the contract are still somewhat fluid, it's expected that there will be more negotiations along the way.

Once finished, however, residents of these buildings and the public will be safer when they are at home or at work, and that's always worth the time and effort.

Dispute Management

It's to be expected that a project as huge as the developer remediation contract will not be without the occasional dispute. However, the contract does set out dispute resolution processes that will help to adjudicate and decide these disputes.

First and most importantly, since the project is limited to buildings in the United Kingdom, all disputes will be subject to UK law and take place in the UK legal system.

The contract sets out different dispute processes depending on who the disputing party is and what the dispute is related to. Ultimately, however, the goal of this process, like the contract itself, is to resolve problems so that more buildings can be brought up to the required safety standards.

Read More:

The Developer Remediation Contract (UK Government document)

Building Safety Act

The final big recent change to building regulations that we're going to cover in this guide is the Building Safety Act.

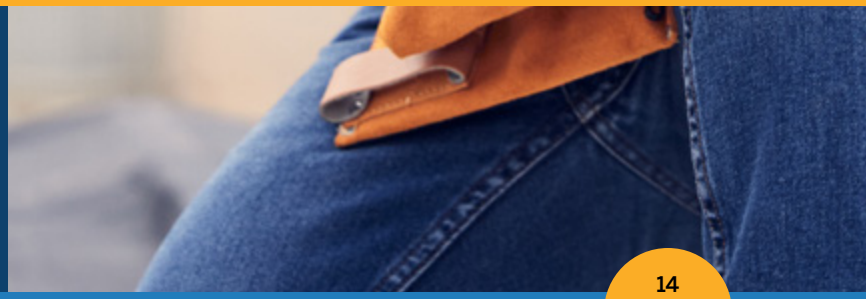
This Act was created to ensure that new buildings in the UK must legally meet the fire safety standards set out in the Act and various documents and regulations cited in the Act.

Like many of the other pieces of legislation and regulations on this list, this Act was heavily influenced by the Grenfell Tower fire and the events that have happened since.

The Act is far-reaching and includes not only additional responsibilities for building safety management but also education and certification requirements for people designing and constructing these kinds of buildings, mandating better and clearer guidelines and regulations and involving building residents in the safety management process.

The Building Safety Act also assigns personal responsibilities for building safety failures. This means that companies that own buildings, developers that build them and various other stakeholders will face personal penalties and legal action if another disaster like Grenfell were to happen again.

Read More: **Guidance – The Building Safety Act** (UK Government document)



The Golden Thread

The so-called “Golden thread” has been mentioned extensively in relation to some of the new building regulations mentioned here and, in particular, to the Building Safety Act.

Rather than an actual thread, this term refers to the documentation, records, videos and photographs that are generated during the full lifecycle of any building project. This extends from the very earliest part of the process, centred on design and conceptualisation, through specifying and pre-construction, then through the construction process and beyond.

The Golden thread describes the process of collecting, cataloguing and storing this data and information so that it can be accessed in future.

Since new legislation does impose stricter penalties for non-compliance or building failure, this is even more important than usual because it can be used to determine accountability for any event, whether it be a design flaw, construction failure or something else.

It’s important to remember that, like other pieces of legislation, the Building Safety Act also considers whether these events or failures are negligent, malicious, or unavoidable, and as we move forward in a new, safer construction environment, that might be very important to contractors, trades and other organisations that are involved in the process.

Building Inspector Competence Framework (BICoF) New for 2023

One of the things we have learned from tragedies like the Grenfell Tower fire is that it's not enough to simply inspect buildings and sign off on work that has been done. Building inspectors also need to be knowledgeable enough that they can identify problems and, if necessary, stop work and require changes to the design, materials or methods used.

In order to ensure that building inspectors have that knowledge, the government is introducing the Building Inspector Competence Framework or BICoF, which is a regulatory framework for building inspectors in the United Kingdom.

Under the framework, building inspectors will be required to meet registration criteria and maintain current registration with a body called the Building Safety Regulator.

This organisation will define the minimum training standards required for building inspectors, professional competence and ongoing education in the industry.

Read More:

Building Inspector Competence Framework (BICoF) consultation (CIBSE - The Chartered Institution of Building Services Engineers)

Accountable Person

One of the biggest and most impactful parts of the Building Safety Act is the requirement for an Accountable Person. This person will usually be the landlord or building owner of any HRB or Higher Risk Building as defined in the act.

The accountable person will be responsible for reporting any potential safety hazards and for creating safety case reports.

As you can imagine, the Accountable Person for any HRB will also bear a large amount of the legal liability in the event that something does go wrong in a building they are accountable for. This has been done intentionally to ensure that the people at the very top of the hierarchy have a strong incentive to put safety first.

Technology

There's no denying that updates to building regulations are necessary and that they improve the buildings we all live and work in.

However, it can be a big job to stay on top of new and changing regulations and how they impact our own piece of the construction puzzle.

Fortunately, modern construction technology offers some solutions that make it a little easier to adopt new regulations and maintain compliance.

Safety, Quality

Everyone involved in any construction project has a legal responsibility to comply with all current and relevant safety and quality standards and requirements, but it can take some time for those changes to filter down from the contract administration office to the workers on the job site.

Construction software that includes safety and quality management elements allows your contract management team to create mandatory processes and workflows that ensure that everyone from the foreman to the labourers on a job site knows what they need to do to comply and ensures that they complete those steps and processes.

Setting up new safety and quality processes, forms and requirements in your field construction software and then making it impossible to close out the day's reports without completing all of those processes is a simple way to ensure compliance at the job site level, which makes it a lot easier for everyone else to maintain compliance further up the chain.

Shared Responsibility

There are plenty of scenarios when people use the phrase "it takes a village", but when it comes to construction compliance and accountability, that's more than just a cliché.

Ensuring that your company is fully compliant with all relevant regulations is not something that one person can do. Everyone from top management and executives to planners and project managers, right down to the most junior labourer on a job site, has a role to play, and all of those roles are essential.

Construction technology and software help to include all of those people in the process and ensures that you are compliant at every level.

Audit Trail

The last important element that technology brings to the safety and quality compliance table is that it forces the creation of an audit trail that is properly documented and always accessible.

As you can see from the requirements of the Building Safety Act, the UK government is focused on ensuring that every step of the building process is properly documented and that there is a clear audit trail to refer to in the event that there is a problem.

Since the Developers Remediation Contract goes back 30 years, it's also clear that just because you have completed and handed over a project, that does not mean your responsibility is over.

A clear and accessible record of everything that happens on every job site will help to prove your compliance and could protect your company for a year or even a decade in the future.

Expect More Change

Whether you're in favour of the building regulations mentioned here or not, the fact is that regulatory changes in the construction world are constant and will continue.

Now that we have better technology and we know more about everything related to building design and safety, we can also expect more changes to happen, and in increasing detail.

In order to remain competitive in the construction world – and stay on the right side of the law – we all have to embrace these changes, adapt our businesses to them, and find the right tools and methods to ensure we get it right.

Need for Culture Shift

Knowing what the building regulations say is an important part of becoming and staying compliant, but perhaps the most important thing we all need to do is create a definite culture shift.

Instead of seeing safety and quality processes and requirements as something that slows you down, creates more paperwork and costs money, look at it as a way to ensure that the buildings you're involved in are safer, healthier and better equipped for modern life.

Health and safety, and quality regulations are not designed to make life more difficult for contractors and trades. They're designed to ensure that the building projects we deliver are better designed, use better materials and will have longer, safer lifespans.

Technology's Benefits Beyond Compliance

While many companies initially adopt construction software and technology begrudgingly because they're forced to record and store data from sites and other sources, most find that these tools also improve the way they do business.

Construction software can improve productivity and makes it easier for your project managers and contract administrators to spot and address potential problems early on.

They open up convenient channels for communication and collaboration between your field crews and your administrators and managers.

Many of these tools even allow you to keep customers up to date, track deliveries and orders and more.

Companies who find and use the right kinds of construction software and technology typically get things done faster, with less requirement for remedial work, and they make more profit on every project.

So while they can certainly help you to be more compliant, they do a whole lot more too!

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