



Guidance to Making Building Regulations Applications

Building Regulations Update

October 2023



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About Us



**BUILDING
CONTROL**

is the Local Authority Building Control service of North Kesteven District Council, providing support and oversight to developers and homeowners in North Kesteven and beyond if you are one of our LABC partners.

If your project requires building regulations approval, our team of qualified surveyors who are Registered Building Inspectors (RBIs) with the Building Standards Regulator (BSR) will signpost you to compliance, check your plans and guide you through the process and the requirements you need to achieve with your project.

Experienced in both domestic and non-domestic works, we know the area, the ground your property is built on and the history of your home.

Our team prides itself on the fast turn around times for both the assessment of plans and inspections being carried out, with strict key performance indicators to monitor our service level.



**BUILDING
CONTROL**

maintains a quality management system and is accredited with the British Standards Institution under ISO9001.

For more information visit <https://www.n-kesteven.gov.uk/planning-building/building-control>

We offer:

- The ability to book a next working day inspection of your project at a mutually beneficial time by calling our office before 3pm on the working day prior to the visit;
- A team of qualified Building Control Officers who are all Registered Building Inspectors with the Building Standards Regulator;
- A trusted service recommended by organisations, companies and the residents, the NKDC building control team has established strong working relationships with developers, builders, designers and others who chose to use our service time and time again;
- A service backed by the Local Authority, committed to serving our community, its residents and visitors to ensure people's health and safety in and around buildings.

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Overview

From 1st October 2023 significant new updates to the Building Regulations Legislation came into effect, which introduce changes to the Building Regulations application process, and impose duty holder responsibilities on applicants, agents, and builders.

The key changes are:

The introduction of a new Building Control regime for Higher Risk Buildings (HRBs)

Building Regulations applications for building, extending, or altering residential buildings, including care homes and hospitals over 18m or 7 storeys high, must now be made directly to the Building Safety Regulator (BSR) and can no longer be submitted to local authority or private sector building control.

New duty holder roles and responsibilities are specified in the regulations for individuals involved in procuring, planning, designing, managing and executing building projects, irrespective of their size and scale. The goal is to place a stronger emphasis on complying with regulations for both design and construction work.

An **Applicant** is now referred to as the '**Client**', this includes Domestic Clients

An **Agent** is now referred to as the '**Principal Designer**'

A **Builder** is now referred to as the '**Principal Contractor**'

Emphasis on Competence – having 'appropriate skills, knowledge and behaviors'.

Persons undertaking design, construction and refurbishment work must be competent for their role.

Organisations must have appropriate capability - management policies, procedures, systems and resources - to fulfil their roles.

Anyone who appoints a person or organisation has a legal duty to ensure they are competent.

The overall responsibility to show compliance with the Building Regulations lies with the Client, the Principal Designer and the Principal Contractor.

Other notable changes that will affect your projects are:

Changes to submitting an application - Additional information is required to enable your application to be validated, including contact details for duty holders and information about the project.

A new definition of 'commencement' of work for existing and new buildings:


- For new buildings and extensions this would usually be the point at which the foundations and ground floor structure is complete.
- For other works a date and description of a point where 15% of the work is due to be complete.

Notification of starting work and commencement



You must notify  when you start work on-site so we can carry out the necessary inspections.



You must also notify  when works are 'deemed commenced', ie, when they have reached the stages on site above.

Notice of completion



A notice of completion must be submitted to  within 5 days of the work being completed. This is really easy, simply:

- **download** our form;
- **complete it** (as the Client) with your Principal Designer (Agent) and your Principal Contractor (your Builder);
- and **return it** by email to us - building_control@n-kesteven.gov.uk

We will then make arrangements to come and visit site to carry out the final inspection for completion.

An automatic lapse of building control approval – For projects that do not meet the definition of commencement **within three years from when the building control was granted**, these will cease to be and new applications will need to be submitted if you intend to continue with works.

Changes to enforcement for all buildings - The Building Safety Act 2022 strengthens enforcement of building regulation breaches and enables local authorities and the Building Safety Regulator to issue compliance and stop notices where building regulations have been breached. Compliance notices can require specified remedial action by a set date.

These changes apply to **ALL** building projects covered by the Building Regulations 2010, not just higher risk buildings (HRBs).

Introducing Duty Holders

The new duty holders introduced under the Building Regulations etc. (Amendment) (England) Regulations are:

The Client

**A person for whom
the project is carried
out**

Domestic Clients

**A person for whom the project
is carried out but not for the
furtherance of a client's
business**

The Principal Designer (PD)

**Usually the lead
designer**

The Principal Contractor (PC)

**Usually the lead
contractor**

There are also new duties placed on Designers (including sole or lead designers) and Contractors (including sole contractors).

These roles were effective from 1 October 2023, the aim is to ensure that at each stage in a building project, duty holders are identified, and the roles, responsibilities and expectations are clear.

Duty holders must ensure they possess the necessary skills, knowledge, experience and behaviors to carry out their design and construction work. They must also stay within the limits of their competence.

Additionally, the Client must take reasonable steps to confirm that the duty holders they appoint are competent, and the duty holders themselves must decline appointments for work they aren't competent to handle.

Duty holders are required to collaborate with other duty holders, coordinate their work and share information with each other.

It is possible for a duty holder to hold more than one duty-holding role, as long as they are competent to do so.

The Client

Client - means any person for whom a project is carried out.


Project - means a project which includes or is intended to include any building work and includes all planning work, design work, management or other work involved in a project until the end of the construction phase.

The Client's duties cannot be subcontracted to a third party. Where there is more than one client, one person must be named as the Client for the project.


The Client MUST:

- Ensure they make suitable arrangements for planning, managing and monitoring the project to ensure it complies with the Building Regulations during design, construction and for the lifetime of the project.
- Ensure they appoint a competent Principal Designer and Principal Contractor for the work and sign a declaration that they have done so.




-  will require the names, phone numbers, addresses and email addresses of the Principal Designer and the Principal Contractor. (Provision for this is on the application form you will complete at submission stage. If at that point you do not know you can confirm them later in the process).



- Advise  of the start date of the work, and the date and description of 'commencement' – ie, when you believe you will achieve this stage (floor slab in place or 15% of works commenced on site etc...). This information is required at the application stage.



- Give notice to  if there is a change of client after a building control approval application is made or a building notice is given.
- The Client has overall control over the project and, therefore, they are ultimately responsible for the provision of information to others involved in the project.
- For Higher Risk Buildings, this is known as The Golden Thread - both the information that allows you to understand a building and the steps needed to keep both the building and people safe, now and in the future - but it is important to keep an information trail for all building work.
- If any of the designers or contractors change, then there should be a handover of Information. The new person in charge then notifies the relevant authority, explaining that they're doing work on behalf of the Domestic Client. Whilst the Client can ask others to do certain tasks, they can't pass on the overall responsibility, and they have to make sure the people they choose are qualified for the job.

The Domestic Client

Domestic Client means a client for whom a project is being carried out which is not in the course or furtherance of a business of that client.

When it comes to home projects, the client usually won't have enough expertise to handle all the key client responsibilities. So, most of the duties related to the project's safety and compliance will fall on those doing the design and construction work.

Where there is more than one person working on different aspects of the project, a Domestic Client should appoint a Principal Designer to be in control of design work and a Principal Contractor to be in control of the building work.

If a Domestic Client does not appoint either a Principal Designer or Principal Contractor, then the designer in control of the design phase of the project is the Principal Designer and the contractor in control of the construction phase of the project is the Principal Contractor.

On minor projects, where there is no designer (such as Building Notices for example), the Principal Contractor may take the role of both PD & PC. The Domestic Client must provide building information that they have, or it would be reasonable for them to obtain, to the designers and contractors working on the project.

The Domestic Client MUST:


- Cooperate with anyone working on or in relation to the project to the extent necessary to enable them to comply with their duties or functions.

The Principal Designer

Principal Designer is a designer who is an organisation or individual (on some projects) appointed by the Client to take control of the pre-construction phase of any project involving more than one contractor. (Previously known as the Agent).

A Principal designer must be appointed in writing before the construction phase begins, or for building control approval for a higher-risk building, before submitting an application.

The Principal Designer MUST:

- Plan, manage and monitor the design work during the design phase.
- Take all reasonable steps to ensure the design work carried out by them and anyone under their control is planned, managed and monitored so that the design is such that, if built, it would comply with all relevant requirements of the Building Regulations.
- Ensure that they, and all those working on the project, cooperate, communicate and co-ordinate their work with their Client, the Principal Contractor, and other Designers and Contractors.
- Liaise with the Principal Contractor and share information relevant to the building work. Assist the Client in providing information to designers.
- Review the arrangements of any previous Principal Designer.
- Notify  in writing, where applicable, that the work is being carried out on behalf of a Domestic Client.
- Where applicable, sign the declarations as referred to above in the Client's duties when work is complete.

The Designer

Designer means any person who... “in the course of a business”:

- a) Carries out any design work, or
- b) Arranges for or instructs any person under their control to do so (including a Client, Contractor or other person referred to in Part 2A of the Regulations).



The Designer MUST:

- Plan, manage and monitor design work so that if the building work were carried out, it would comply with the Building Regulations.
- Cooperate with the Client, Designers and Contractors to the extent that if the building work were carried out, it would comply with the Building Regulations.
- Not start any design work unless you are satisfied that the Client is aware of the duties owed by the Client.
- Carry out design to ensure that if building works were carried out, the design would comply with the Building Regulations.
- Provide sufficient Information about the building's design, construction and maintenance to allow the Client or other Designers and Contractors to comply with the Building Regulations.
- Consider any other design work and report any compliance concerns relating to the design compliance to the Principal Designers and the Client.
- Must advise the Principal Designer or the Client whether any work they are designing is Higher Risk Building work.

The Principal Contractor

Principal Contractor is usually the main contractor and is appointed under Regulation 110 (Principal Designer and Principal Contractor) to perform the duties of a Principal Contractor where there is more than one contractor.

The Principal Contractor MUST:

- Plan, manage and monitor the building work during the construction phase.
- Co-ordinate matters relating to building work to ensure the building work complies with the Building Regulations.
- Ensure cooperation amongst all duty holders.
- Ensure all building work is coordinated so that it complies with the Building Regulations.
- Ensure contractors comply with their duties.
- Liaise with the Principal Designer as required.
- Have regard to comments from the Principal Designer concerning compliance with the Building Regulations.
- Assist the Client in providing information to Contractors.
- Review the arrangements of any previous Principal Contractor.
-  Notify  In writing, where applicable, that the work is being carried out on behalf of the Domestic Client.
- Sign the declarations as referred to above in the Client's duties when work is complete.

The Contractor

The Contractor is any person Including a client, but not a Domestic Client, who carries out, manages or controls building work.

The Contractor MUST:

- Plan, manage and monitor design work so that if the building work was carried out, it would comply with the Building Regulations.
- Co-operate with the Client, Designers and Contractors to the extent that if the building work was carried out, it would comply with the Building Regulations.
- Not start any design work unless you are satisfied that the Client is aware of the duties owed by the Client.
- Carry out design work to ensure that if building work was carried out, the design would comply with the Building Regulations.
- Provide sufficient information about the building's design, construction and maintenance to allow the Client and other Designers and Contractors to comply with the Building Regulations.
- Consider any other design work and report any compliance concerns relating to the design compliance to the Principal Designers and Client.
- Must advise the Principal Designer or the Client whether any work they are designing is Higher Risk Building work.

Changes to Higher Risk Buildings

As well as changes to roles and responsibilities called duty holders, there is a new building control process for Higher Risk Buildings (HRBs).

The new regime applies to buildings that are at least 18 metres in height or have at least 7 storeys (start counting from ground level) and have at least two residential units. It also applies to care homes and hospitals meeting the same height threshold during design and construction.

HRBs are defined (within the Building Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023) as those buildings with seven or more storeys or at least one storey with a finished floor height more than 18 metres above ground level and contain two or more residential units. Hospitals and care homes meeting the same height thresholds are also considered HRBs during the initial design and construction phase only.

If you're proposing a new HRB or making changes to a HRB that requires a building control application, you now have to get in touch with and tell the new Building Safety Regulator (BSR):

<https://www.hse.gov.uk/building-safety/regulator.htm>

The Building Safety Regulator (BSR) will carry out its function as the building control authority for a HRB through a team that includes a Registered Building Inspector (RBI) and any other specialists required to assess a submission. These will be called Multi-Disciplinary Teams (MDT). They recognise the complex nature of HRBs, and the range of disciplines required. A separate MDT will be brought together for each HRB project.

The BSR will lead this team as appropriate to:

- Ensure effective regulatory decisions.
- Guide the structure of an inspection schedule; and
- Provide input to any requirements (conditions) that maybe applied to an approval.

The MDT will be involved throughout the construction process through onsite inspections, interventions and assessments of further information, and through the change control process. The MDT will set an inspection schedule and will provide a leadcontact for applicants throughout the process.

Accountable Persons

After completion of any new residential High Rise Building, it is mandatory to designate a 'Principle Accountable Person' (PAP) or 'Accountable Person' (AP). This person bears the legal responsibility of enduring building safety once it is inhabited.

The AP will usually be an organisation or business but could also be an individual. The AP will have a duty to take all reasonable steps to:

- Prevent a building safety risk happening, with building safety risk defined as 'spread of fire and/or structural failure'.
- Reduce the seriousness of an incident if one happens.

If a building has more than one AP, the AP responsible for the structure and exterior of the building will be the Principal Accountable Person (PAP). When buildings have a single AP, that entity or person is the PAP.

See <https://www.hse.gov.uk/building-safety/index.htm> for more Information.

Transitional Arrangements

The updated Building Control Regulations introduced by the Building Safety Act were implemented on 1st October 2023. This will apply to all works unless a set of transitional provisions are met. These are:

- a) A valid application is in place before 1st October 2023, and
- b) Work had sufficiently progressed before 6th April 2024.

(The term sufficiently progressed is, for the HRB buildings, the placement of permanent trench, pad, raft or piled foundations, and for all other work the starting of permanent building work as described in an application or notice. It does not include site set-up, demolition, stripping out works or excavation of trial/ holes or test piles).

The 6-month transitional period started on 1st October 2023 and came to an end on 6th April 2024. Apart from those developments qualifying for transition, all building control applications after 1st October 2023 for new HRBs, including refurbishments or change of use to an HRB, will be dealt with by the new Building Safety Regulator.

Your Building Regulations Application



Key information for  after 1st October 2023.

As well as the usual application form, site plan, plans and the information already submitted to facilitate our Building Control service, all Building Control Bodies will require supplementary details when submitting a Building Control application. These are:

- Confirmation that the building is not classed as a Higher Risk Building (the height of the top-storey of the building).
- The construction phase start date - this is the date at which works start on site. This should not include site set-up, demolition or enabling works.
- Building Regulations "Commencement" or meaningful start - This is the date at which the works achieve suitable criteria to implement the Building Regulations application as "commenced".

Where work does not involve foundation or substructure works, the client must state what they consider will amount to 15% of the work and for a complex building when the foundations supporting the building and the structure of the lowest floor level of that building (but not the other buildings or structures to be supported by those foundations) are completed.

Where the work consists of:

- a) The construction of a building that is not complex, or;
- b) The horizontal extension of a building - work is to be regarded as commenced when the sub-surface structure of the building or the extension, including all foundation basement levels (if any) and the structure of the ground floor level, is completed.

Where the work consists of any other building work, then work is to be regarded as commenced when the initial work is completed ("initial work" means the work set out in the application, which the client considers amounts to 15% of all the work described).

Before Completion

Duty Holder Notification

For Domestic Projects or customers (Client), the lead Designer or Contractor submitting the application must provide a duty holder notification to building_control@n-kesteven.gov.uk

For commercial projects or customers (Client), the client shall provide a signed duty holder notification. This should include the current and any previous Building Control Principal Designer(s) for the works.

Each duty holder should provide a compliance statement for their responsible work:


1. Client Compliance Declaration:
2. Principal Designer Compliance Declaration:
3. Principal Contractor Compliance Declaration.

All Compliance Declarations should be signed by each person listed above and include:

- Name, address and contact details of each duty holder.
- A statement by the client confirming that works are complete and that, to the best of the Client's knowledge, "the works comply with the applicable requirements of the Building Regulations".
- A statement by each Principal Contractor (or sole Contractor) confirming the dates of their appointment and that they have fulfilled their duties as a Principal Contractor under Part 2A (duty holders and competence) of the Building Regulations etc. (Amendment) (England) Regulations 2023.
- A statement by each Principal Designer (or sole or Lead Designer) confirming the dates of their appointment and that they have fulfilled their duties as a Principal Designer under Part 2A (Duty holders and competence) of the Building Regulations etc. (Amendment) (England) Regulations 2023.

On Completion of a Project

The duty holders involved in the construction phase (Client, Principal Designer, Principal Contractor) must

provide compliance declarations to  confirming they have fulfilled their duties and that, to the best of their knowledge, the works comply with the Building Regulations.

The declaration must contain the following information:

- Client contact details - name, address, telephone number and email address.
- Principal Designer and Principal Contractor contact details - names, addresses, telephone numbers and email addresses.
- A signed statement from the Client that the building work is complete, and, to the best of their knowledge, the building work complies with the Building Regulations.
- A signed statement from each Principal Designer and Principal Contractor stating that they have fulfilled their duties under the Building Regulations.

New Notification for Fire Safety Information – Regulation 38

After completion of any new residential Higher Rise Building, it is mandatory to designate a 'Principle Accountable Person' or 'Accountable Person'. This person bears the legal responsibility of ensuring building safety once it is inhabited.

The AP will usually be an organisation or business but could also be individual. The AP will have a duty to take all reasonable steps to:

- Prevent a building safety risk happening, with the building safety risk defined as 'spread of fire and/ or structural failure';
- Reduce the seriousness of an incident if one happens.

If a building has more than one AP, the AP responsible for the structure and exterior of the building will be the principal accountable person (PAP).

See the <https://www.hse.gov.uk/building-safety/index.htm> website here for more information.

Our Application Forms can be obtained from our website or via email (see details below).

ANY QUESTIONS?

Don't hesitate to get in touch!



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Tel: 01529 308136

email: building_control@n-kesteven.gov.uk

web: <https://www.n-kesteven.gov.uk/planning-building/building-control>

With thanks to North Lincolnshire Council and Hertfordshire Building Control for their assistance in producing this guidance

