

# Building Safety in Brief

## The New Change Control Regime



### Background

- A new change control regime has been introduced under the Building Safety Act 2022 (**BSA**) in relation to **higher-risk buildings (HRBs)** during the design and construction phase of a project.
- This has been implemented through the **Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (HRB Procedures Regulations)**.
- These Regulations came into force on 1 October 2023, following a key government consultation in July 2022 and the subsequent **Consultation Response** in August 2023.
- This factsheet provides a high-level overview of the new change control regime. This factsheet applies to England only.

### What is the change control regime?

The government's **Explanatory Memorandum** to the HRB Procedures Regulations gives a brief overview, saying:

- change control procedures apply where there is to be a change to how a project is managed or to what is being constructed compared to what was approved through a building control approval application (ie Gateway 2 – for more, see [here](#)). (The HRB Procedures Regulations defines this in more detail as a “**controlled change**”, more below).
- there are three types of controlled change – recorded, notifiable and major.
- **recorded changes** are changes which are not notifiable or major changes – before a recorded change can be made, it is recorded in the change control log.

- **notifiable changes** (see below) – before they can be made a notification is sent to the Building Safety Regulator (**BSR**), the change is recorded in the change control log and any agreed documents affected are revised. The BSR can request more information.
- **major changes** (see below) – before they can be made a change control application is submitted to and approved by the BSR, the change is recorded in the change control log and any agreed documents affected are revised. The BSR has six weeks to determine the application.
- the BSR can specify that:
  - a recorded change is a notifiable or major change
  - a notifiable change is a major change or vice versa.

### Notifiable changes

This could include a change:

- to the **construction control plan** or **change control plan**
- to the **layout of a flat or a residential room**
- to the **number or dimensions of any openings** in any wall, ceiling or other building element for any pipe, duct or cable
- to the **wall tie, wall restraint fixing or support system** in any (proposed) wall, excluding an external wall
- to the **fire and emergency file** or **fire safety compliance information**
- to a **staged work statement** or a subsequent stages statement

(the HRB Procedures Regulations set out a fuller list).

### Major changes

This could include a change:

- which **increases or decreases the external height or width** of a (proposed) HRB
- to the **number of storeys**
- to the **structural design or structural loading** of the building
- to the **number or width of the staircases** or to the length, number or width of any escape route
- to the **external wall** including a wall tie, wall restraint fixing or support system in the wall
- to **active or passive fire safety measures** referred to in the fire & emergency file

(the HRB Procedures Regulations set out a fuller list).

### Change Control Log

Information in it includes:

- name of the individual recording the change
- a description of the proposed change, why it has been proposed, and whether it is a recordable, notifiable or major change
- name and occupation of each person, if any, whose advice was sought in relation to the proposed change and a summary of any advice provided
- which agreed document is affected and confirmation that a revised version has been produced
- a “**compliance explanation**” – an explanation of how, after the proposed change (a) works to the HRB will comply with all applicable building regulations and (b) the strategies, policies and procedures in any agreed document will comply with various requirements (including around the golden thread and dutyholders).

# Change Control Flowchart

A summary of the control change procedures

## Do you have a controlled change?

“Controlled change” is a change to any:

- “current plans” of work or proposed work, or carrying out work otherwise than in accordance with “current plans”
- stage of HRB work
- strategies, policies or procedures described in any “current agreed document”.

(Current plans and current agreed documents are essentially the “agreed documents” at the time the controlled change is proposed. “Agreed documents” are essentially documents approved by the BSR as part of the Gateway 2 approval, as revised in line with the HRB Procedures Regulations).

## Recordable, notifiable and major changes

**Before carrying out a controlled change, the client must ensure:**

- a record is made of the controlled change (“change control log”)
- a revised version of any agreed document affected is produced.

There are also other steps to be taken for notifiable and recordable changes.

## Remember

The HRB Procedures Regulations also include provisions, including on:

- what to do if two or more controlled changes are related to the same change to the building work (being a mix of major and notifiable changes)
- how the BSR consults on and determines change control applications
- a new client, principal contractor or principal designer
- client insolvency
- where the client asks the BSR to vary a requirement imposed on a building control approval.

For more on building safety, visit our [Building Safety Hub](#).

**Notifiable change** – the client notifies the BSR. The change must not be carried out, and the work to which it relates must not start, until this notification.

## Notification to BSR

The notification must contain certain information, including:

- a description of the proposed change and why it has been proposed
- name and occupation of each person, if any, whose advice was sought, and a summary of any advice provided
- an assessment of the agreed documents affected
- a compliance explanation

**and must be accompanied by** the revised version of the agreed document.

The BSR may require further information. This must be provided within 10 working days of receiving the BSR’s notice.

**Major change** – the client makes a “change control application” to the BSR. The change must not be carried out, and the work to which it relates must not start, until the change control application is granted.

## Change control application to BSR

The application must contain certain information, including:

- the details of the client, principal contractor and principal designer
- a description of the proposed change

**and must be accompanied by:**

- why the change has been proposed
- name and occupation of each person, if any, whose advice was sought, and a summary of any advice provided
- (where the change is to the number of flats or residential rooms) plans
- an assessment of the agreed documents affected
- a compliance explanation
- the revised version of the agreed document.

The BSR must notify the client that it has received the application, and determine it within 6 weeks of the date of its receipt (or longer period agreed).

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