

Insights

STREAMLINING BUILDING CONTROL FOR TELECOMS: KEY TAKEAWAYS FROM THE GOVERNMENT'S CONSULTATION

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At the end of January 2026, the Ministry of Housing, Communities and Local Government (MHCLG) launched a consultation, "Improving proportionality and safety outcomes in building control: telecommunications work" (Consultation), which makes various proposals to streamline building control procedural requirements relating to telecommunications work carried out in higher-risk buildings (HRBs).

The Consultation covers both fixed and mobile digital infrastructure, specifically:

- Building work related to drilling holes through internal fire-resisting walls for fibre optic cabling.
- Work related to the installation and repair of mobile communications masts.

It also seeks views on building control approval routes for non-HRBs in the case of building work to fibre optic infrastructure. The Consultation closes on 24 March 2026.

This article takes a closer look at the proposals.

For more information, see [Legal update, Government consults on relaxing building regulations procedures for telecommunications work.](#)

BACKGROUND

Following the Grenfell Tower fire in 2017, a stringent building control regime overseen by the Building Safety Regulator (BSR) was introduced for buildings that meet the HRB criteria as defined by the Building Safety Act 2022 and related legislation. In short, HRBs are buildings with at least two residential units that are seven storeys or 18 metres in height subject to various statutory exclusions.

One aspect of the new HRB regime is the "gateway system", which is a set of three "gateways". The first, gateway one, is at the planning stage, while gateways two and three are hard stops during the construction process, whereby a project cannot move forwards without BSR approval. Gateway two is at the building control approval stage and gateway three is at the completion of construction works.

While certain types of work can be carried out on HRBs without triggering the gateway requirements, the majority of works to a HRB will require gateway approval. No exceptions are made for de minimis works although this is something the government is currently reviewing more widely.

The introduction of the gateways has led to delays in carrying out construction projects for a variety of reasons including lack of BSR resource and a lack of understanding of the level of detail required for a successful gateway application. Efforts are being made by government and industry to improve these delays and recently there have been small signs of improvement. However, the reality is that gateway delays continue to cause havoc in the market.

For more information about:

- What constitutes a higher-risk building, see [Practice note, BSA 2022: what is a higher-risk building?](#)
- Gateways two and three, see [Practice note, BSA 2022: higher-risk buildings and the gateways regime](#).

UNINTENDED CONSEQUENCES FOR HRB TELECOMMUNICATIONS WORK

Telecommunications work does not typically fall within any of the exemptions to the HRB regime and so whenever such work is required on a HRB, however minimal or essential, the necessary gateway applications must be made with the accompanying risk of delay. It is this delay that the Consultation hopes to address.

Indeed, the high-volume nature of telecommunications work has meant that the BSR has received large numbers of applications, contributing to capacity strain on the BSR and diverting resource away from HRB remediation projects. This has, in turn, led to significant delays in such works being carried out. Industry evidence is that those undertaking telecommunication works have faced major operational and financial challenges.

Bodies including techUK and the Internet Service Providers Association (IPSA UK) have been calling for changes (including limiting the need for applications, moving to a post-approval rather than a pre-approval framework and increasing funding and resourcing to the BSR) and have

estimated that, without government intervention, 800,000 HRB households could be left without access to the connectivity they need in the near future.

PROPOSED SOLUTIONS

The Consultation proposes the following solutions:

Exempting certain works from aspects of the HRB regime

- For drilling holes for the purpose of installing fibre-optic cabling only through internal fire-resisting walls in both existing HRBs and existing non HRBs, a dispensation from all the procedural requirements in the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (*SI 2023/909*) (HRB Procedures Regulations 2023) relating to gateway 2, during construction (including site inspections and change control) and gateway 3. This would mean that such work could be conducted without BSR approval.

The government is considering making it a condition of the dispensation that a written notification must be sent to the BSR once work is completed. Further conditions may include a maximum diameter of the hole drilled, correct fire-stopping procedures, product safety standards, a hole being drilled for one cable only, setting time limits between the start and completion of the work and a requirement for the person undertaking the work to hold a relevant qualification.

However, the government is not considering making changes in relation to drilling holes through external walls, for example when a building is connected to the main fibre network. In such cases the current HRB regime will continue to apply in full.

- For building work related to the installation and repair of mobile masts on existing HRBs, a dispensation from all the procedural requirements in the HRB Procedures Regulations 2023 relating to gateway 2 and during construction and dispensing with some requirements at gateway 3, while maintaining inspection and BSR approval at gateway 3 to ensure that the work is compliant with building regulations. This would mean that the work could start without BSR approval but that the BSR must certify its completion.

The proposed changes would be made under section 11 of the Building Act 1984, which grants the Secretary of State the power to issue a “type relaxation/dispensation direction” of a requirement of the Building Regulations 2010 (*SI 2010/2214*) (BR 2010) if it considers the regulation in question to be unreasonable in relation to a particular type of building matter.

COMPETENT PERSONS SCHEME

The Consultation also proposes that a Competent Persons Scheme (CPS) is established for the types of telecommunications work within its scope although it is only seeking initial views at this stage due to the complexities and timescales involved in setting up a new CPS.

If a CPS is established, the relevant building control authority would be authorised to accept the work of registered persons as evidence that the requirements of regulations 4 and 7 of the BR 2010 have been satisfied. In other words, the competent person would self-certify that the works they have carried out comply with the BR 2010 and this would be sufficient for compliance purposes.

THOUGHTS

The starting point must be that the changes to building safety regulation after Grenfell are vital and long overdue. However, as the government itself recognises, the scale of such reform means that the introduction of the HRB regime and other building safety reforms is not a one stop shop. No-one can foresee precisely how new rules will work in practice before they are introduced and so flexibility is needed to tweak the regime to ensure it has the desired effect.

The Consultation is evidence of the government doing precisely that and listening to the telecommunications industry, which has been lobbying for changes to the HRB regime for several years, because of the consequences of not making these changes, such as:

- Immediate consumer impact.
- Failure to meet national rollout targets.
- Digital exclusion undermining competition within the industry.
- Lower market and investor confidence.
- Paralysis of the BSR.

Telecommunications providers will certainly welcome the potential relaxing of the building control regime, which will also benefit HRB occupiers. However, building owners will naturally have concerns regarding the standard of works carried out by third parties, the potential fire and other safety risks, the impact of any works on their own duties and the preservation of the golden thread information. The government is seeking to address these concerns by including proposals for conditions that will apply to each dispensation.

The telecommunications work covered by the Consultation is of critical importance to the government's aim of delivering digital infrastructure and therefore, it is not surprising that this type of work is first in line for review. Given the pressures that the BSR has been under, and the unintended delays that have ensued, it seems likely that other types of works will be subject to similar dispensations in the future. Consultations covering minor building works within homes and works to existing fire doors are anticipated in Spring 2026.

For more information about the golden thread information and building safety generally, see:

Practice notes:

- [*BSA 2022: golden thread of information for higher-risk buildings.*](#)
- [*Building Safety Act 2022.*](#)
- [*Building safety toolkit*](#)
- [*BSA 2022: construction provisions and guidance tracker.*](#)

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MEET THE TEAM



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