

Insights

BUILDING SAFETY: LATEST JULY 2026 UPDATES

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Summary

At the start of July 2026, the government published its responses to two earlier consultations on reducing the scope of work subject to the higher-risk building (HRB) regime ([Consultation outcome: Proportionality in building control: categorisation of higher-risk building work](#) and [Consultation Outcome: Improving proportionality and safety outcomes in building control: telecommunications work](#)) and also launched a new consultation on the application of the HRB regime to emergency repairs ([Consultation: Improving proportionality and building safety outcomes in building control: emergency repairs under the higher-risk building regime](#)). Alongside this, it announced new funding to support the remediation of unsafe cladding on multi-occupied residential buildings under 11 metres in England ([Guidance: Buildings under 11 metres: new funding](#) and [Guidance: Buildings under 11 metres: leaseholders' and residents' guide](#)). This Insight considers the key takeaways from each of these developments.

Background

The gateway system sits at the heart of the HRB regime. Gateway 2 (the building control approval stage) operates as a hard stop: work cannot begin until the Building Safety Regulator (BSR) has approved the application.

While industry has gradually adapted to the HRB regime since its introduction in October 2023, one of the most persistent difficulties has been the time taken for applications to clear Gateway 2. Several measures have been introduced to reduce the backlog, but delays continue. Earlier in 2026, the government launched two consultations examining whether the scope of HRB work subject to the full Gateway 2 requirements could be reduced.

The first consultation, on telecommunications work, launched at the end of January 2026 (see this [BCLP Insight](#)). The second, on the categorisation of HRB work, was published at the end of March 2026 (see this [BCLP Insight](#)). Government has now responded to both consultations and introduced an additional consultation on emergency repair work.

Key takeaways

Telecommunications response

The telecommunications consultation focused on whether Gateway 2 requirements could be reduced for two specific types of building work: drilling holes through internal fire-resisting walls for fibre optic cabling (in both HRBs and non-HRBs), and the installation and repair of mobile communications masts on HRB rooftops.

The government has now published its response and confirmed that the following work will not be subject to certain Gateway 2 requirements from 1 September 2026 (the requirements will be dispensed with via a mechanism under s11 Building Act 1984):

- For the installation of fibre optic cabling, all procedural requirements to obtain building control authority approval prior to the commencement of works will be dispensed with – both for buildings within the scope of the HRB regime and for those outside it.
- For building work to mobile communications masts on rooftops, procedural requirements will be dispensed with for buildings within the scope of the HRB regime at Gateway 2 only. Requirements at Gateway 3 will remain.

However, for all of these changes, the functional requirements, dutyholder requirements, and competence requirements of the Building Regulations 2010 will continue to apply in full.

The telecommunications consultation had also looked at the case for introducing competent scheme(s) (CPS) for fibre optic cabling installation. Given a significant number of consultation respondents were keen for this to happen, the plan is for a CPS to be developed for this type of work and so the dispensation will be for 3 years after which if all goes to plan the CPS will be launched.

Categorisation of HRB work response

The categorisation consultation considered whether relatively minor works, such as those carried out within a single flat, should be subject to full Gateway 2 approval (Category A).

The consultation proposed two options: Option 1 would exclude most building work within individual flats from Category A; and Option 2 would exclude some small-scale work in communal areas of HRBs from Category A.

In the response, the government has confirmed that it is minded to proceed with Option 1 although a number of issues require further consideration before a final decision can be reached. The government will also continue to explore Option 2 and will further consider the issues raised in the consultation before reaching a final decision.

Any changes for Option 1 and/or 2 will be implemented by statutory instrument as soon as parliamentary time allows.

In relation to whether CPS' could be established for work that would fall under Category B, the government has said that it will continue to explore whether there are types of work suitable for this route.

The consultation also had asked respondents to feedback on proposals to remove certain types of building work from the HRB regime altogether. Consultation responses revealed significant concern about moving work out of direct BSR oversight, with a number of concerns raised about competence. The government has said that as part of its current independent review of the HRB regime it will further consider re-categorisation of work.

Emergency repairs — new consultation

The emergency repairs provision under the HRB regime permits repairs to an HRB to be carried out without prior BSR approval where there is a risk to the health, safety, and welfare of persons in or about the building and where applying for approval in advance would not be practicable. It is important to note, however, that emergency repairs are not exempt from scrutiny: a notice must be given to the BSR as soon as practicable after work has started, and a regularisation application must then be made to the BSR once the work is complete.

In practice, some urgent works that need to progress quickly do not fall within the current narrow scope. The wording of the provision has also generated confusion, leading in some cases to misuse and, at the other extreme, to unnecessary hesitancy which can result in prolonged reliance on costly interim measures such as waking watches and decants.

The new consultation, which runs until 3 September 2026, considers two proposals:

- **Expanded emergency works route:** The first proposal would broaden the current provision to include emergency “works” (covering replacements and upgrades, not just repairs) provided the work is urgent, poses a risk to health, safety, or welfare, and prior BSR notification was not practicable. New elements could not be introduced to a building under this route.
- **Critical works route:** The second proposal would introduce a separate route for urgent work that does not meet even the expanded emergency works criteria but which still needs to proceed quickly. This route would retain retrospective BSR oversight through the existing regularisation process.

Examples of critical works being considered include: urgent works that were foreseeable but have escalated due to changed circumstances; works necessary to keep public services such as hospitals functioning; and works where funding or access has suddenly and temporarily become available.

Both proposals are intended for short-term, targeted works that can be decoupled from larger projects. Major cladding remediation projects and other large-scale, complex works are explicitly excluded and would still require full Gateway 2 approval before starting.

Expansion of the Cladding Safety Scheme – Buildings under 11 metres

The government is expanding the Cladding Safety Scheme by introducing new funding, delivered by Homes England, to support the remediation of unsafe cladding on multi-occupied residential buildings under 11 metres in England. On 9 July, the government published the fund overview and a leaseholders' and residents' guide. Funding will be prioritised according to cladding fire safety risk, with support focused first on buildings assessed as presenting a high life-critical risk.

The key points for responsible entities are as follows:

- Funding applies to buildings containing two or more dwellings, to address life safety fire risks associated with cladding and external wall systems, as identified through a Fire Risk Appraisal of External Walls (FRAEW).
- The height threshold (previously the reason these buildings could not access the Cladding Safety Scheme) is removed. Funding is also tenure neutral, meaning both privately owned and social housing buildings may apply where they meet the criteria.
- Applications open on 17 August 2026 and will remain open for eight weeks.
- Applications must be submitted by the responsible entity or their authorised representative. Leaseholders and residents cannot apply directly.
- Responsible entities will be asked to confirm whether they have explored redress measures or alternative funding routes – such as insurance claims, developer contributions, or warranty schemes – before funding is confirmed.
- Meeting the fund requirements does not create any entitlement to funding. All decisions remain subject to prioritisation and the availability of funds.

Thoughts

The consultation responses represent a sensible, rightly cautious, approach. Moving works out of direct BSR oversight is a significant step, and care must be taken to ensure that building safety is not compromised in the process. The government has acted swiftly to unlock the backlog caused by telecommunications work, and that decision will be welcomed by the telecoms industry, which has long campaigned for this change.

The government acknowledges that more thought is needed on how to re-categorise Category A and Category B work, and further announcements on this are awaited. The emergency repairs

consultation is a logical follow-on from the telecoms and re-categorisation consultations. The current provision is causing major issues and the proposed expansion could provide much-needed flexibility for those managing occupied buildings. The consultation closes on 3 September 2026 still leaving time for stakeholders to make representations.

For those with portfolios that include buildings under 11 metres with cladding issues, the new fund is a significant development. Responsible entities should begin gathering the necessary FRAEW documentation now in order to be ready to apply as soon as the window opens.

Related Capabilities

- Commercial Construction

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