

Masterclass: Understanding the Building Safety Act's Implications on Retrofit Projects

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>25 years as an Architect (ARB + RIBA)
>15 years as RIBA Conservation Architect
3 years as Retrofit Coordinator

Experience in adaptive re-use and retrofit of Historic Buildings, including Oxbridge Colleges, Hotels and Canterbury Cathedral.

Experience in development of BIM (Building Information Management) models of existing and historic buildings.

Set up Ambue to develop the tools and consultancy to offer these services, to help tackle the challenges of social housing: Climate Emergency, Homes Fit for Habitation, Awaabs Law etc.

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Architect

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Experience as an Architect working for both Consultancies and for Contractors as a Design Manager

Qualified and Register on the RIBA's Register of Building Regulations Principal Designers, including for High Risk Buildings (HRB's)

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Building Safety Act 2022

Introduction



Building Safety Act 2022

The Building Safety Act 2022 introduces an overhauled regulatory framework for the construction industry and has been further enhanced to date with the introduction of more and more secondary legislation that responds to the reports published following the Grenfell Tower enquiry.

Any project regardless of size, that requires Building Control approval, will need to be done in accordance with the Building Safety Act 2022.

The Act has been introduced for the purpose of embedding cultural change among all stakeholders involved in the design, construction and maintenance of the built environment.

Building Control approval can be gained through either of the following:

- Self-certification through Government recognised Competent Persons Schemes
- Building Notice
- Full Plans submission

The HSE has established the Building Safety Regulator which now regulates the Building Control Profession and processes all Higher-risk Building Control Approval Applications:

Higher-risk Buildings are generally considered to be buildings containing at least 2 residential units, of at least 18 metres in height or has at least 7 storeys, is a care home or is a hospital.

Much of the secondary legislation brought in under the Building Safety Act is specific to higher-risk buildings due to the enhanced fire and structural risks posed by these buildings.

Further regulation may soon be introduced for buildings in the 11-18 metre height category following the Government response to the Grenfell Phase 2 Report recommendations.



Comparing CDM 2015 & Part 2A Building Regulations



Statutory Duty holders in accordance with the Construction (Design and Management) Regulations 2015:

Client, Principal Designer and Principal Contractor

The regulations state that:

The Principal Designer must plan, manage and monitor the pre-construction phase and coordinate matters relating to health and safety during the pre-construction phase to ensure that, so far is reasonably practicable, the project is carried out without risks to health and safety.

Statutory Duty holders in accordance with Part 2A of The Building Regulations etc. (Amendment) (England) Regulations 2023 which is secondary legislation brought in under the Building Safety Act 2022:

Client, Principal Designer and Principal Contractor

The regulations state that:

The Building Regulations Principal Designer must plan, manage, monitor design work and cooperate, coordinate and communicate to ensure the design work, if built complies with building regulations.

How the works are built?

What is built?



Appointing a Principal Designer

Under regulation 5(1)(b) of the CDM regulations on a project involving more than one contractor at any time a principal designer may be appointed by the client to plan, manage and monitor the design from concept up to completion of the design at the end of the pre-construction phase

Under regulation 11D of Building Regulations on a project involving more than one contractor at any time, a Principal Designer may be appointed by the client to plan, manage and monitor the design from concept up to completion of the project

In absence of appointment of a principal designer it will be the client who will carry the statutory duty holder responsibilities of the principal designer on a project

If a client doesn't appoint a Building Regulations Principal Designer, by default, they are deemed to be acting in the role themselves.



Grenfell Enquiry

The Grenfell Enquiry Phase 2 report published autumn 2024 has 58 recommendations that the Government is expected to implement in the next few years. Examples include:

- a. a single construction regulator
- b. possibly introducing a licensing scheme for Principal Contractors on HRBs
- c. further review of building control functions and whether all should be done by a national authority and do away with private sector building control
- d. a review of all approved documents
- e. importance of checking existence of effective compartmentation when over cladding
- f. registration of the fire engineers profession which is not currently regulated and a review of what can be expected from a 'competent fire engineer'
- g. fire risk assessors to be independently verified by a UKAS-accredited Certification body
- h. a review of current evacuation strategies and fire testing of external walls to see if one supports the other adequately in light of the change to product / system testing methods
- i. product testing and conformity assessment: new measures and obligations on those with a key role for testing, certification and assurance of construction products
- j. bring the compliance declaration of BR PD (that normally happens at prior to handover) forward to Gateway 2 (in addition to the building regulations compliance statement by the client) and even review whether the same should happen on all non-HRB applications.

Links to further information

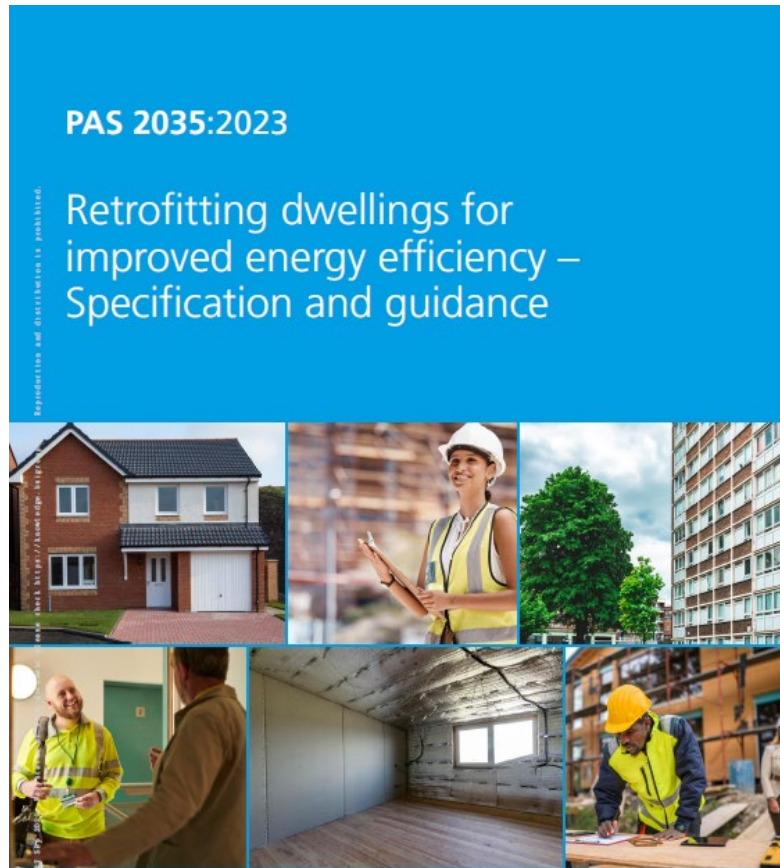
[The Building Safety Act: secondary legislation - GOV.UK](#)

[Building safety - HSE](#)

[Principal designers: roles and responsibilities - HSE](#)

[Grenfell Tower Inquiry Phase 2 Report: Government response \(HTML\) - GOV.UK](#)

PAS2035:2023 Requirements



Annex A (normative) Qualifications

A.3.7 For projects with three or more interacting fabric improvement measures, or that include any building fabric insulation measures or replacement windows on a high-rise or system-built dwelling, a Retrofit Designer shall be:

- a chartered architectural technologist (MCIAT or FCIAT) registered by the Chartered Institute of Architectural Technologists (CIAT); or
- an architect registered by the Architects Registration Board (ARB); or
- a professional member of the Chartered Institute of Building (MCIOB or FCIQB); or
- a chartered building surveyor (MRICS or FRICS).

A.3.8 For all projects where the building(s) to be improved (or any part of it) is traditionally constructed, and the proposed EEM(s) (this includes single measures) are likely to have an impact on the heritage significance and/or building fabric of the building, the Retrofit Designer shall be qualified in accordance with **A.3.7** and either have the Level 3 or 6 qualification as specified in **A.1.2** or conservation accredited with one of the following:

- Chartered Institute of Architectural Technologists (CIAT);
- Chartered Institute of Building (CIOB);
- Conservation Accreditation Register for Engineers (CARE);
- Register of Architects Accredited in Building Conservation (AABC);
- Royal Institute of British Architects (which incorporates the Royal Society of Architects in Wales and the Royal Society of Ulster Architects (RIBA, RSAW, RSUA));
- Royal Institution of Chartered Surveyors (RICS); or
- Royal Incorporation of Architects in Scotland (RIAS).



8.1.6 The Retrofit Coordinator shall prepare a monitoring and evaluation plan that is appropriate for all proposed measures in the medium-term improvement plan. At a minimum, this shall include an outline of the basic evaluation to be undertaken at the end of each stage of the retrofit.

***NOTE** Further guidance on monitoring and evaluation is given in BS 40101.*

8.1.7 A medium-term improvement plan shall:

- a) identify constraints imposed by the history, construction, architectural character and setting of the building, and by its pattern of use;
- b) identify the set of improvement measures necessary (including EEM and enabling works) to achieve an appropriate target improvement in energy efficiency and reduction of the emissions associated with energy use, without compromising the comfort and health and safety of the occupants, or the integrity of the building;
- c) identify potential interactions between measures to ensure a whole-dwelling approach is followed, and avoid thermal bridging and other unintended consequences;
- d) identify an appropriate order in which the identified measures are to be installed;

8.2 Retrofit designs

8.2.1 The Retrofit Coordinator shall verify that the EEMs to be included in each domestic retrofit project are included in the design and specification (hereafter referred to as the "retrofit design") prepared by a Retrofit Designer.

- 8.2.7** The Retrofit Coordinator shall advise the client on the need for any statutory, health and safety or ecological approvals for the proposed retrofit work, and shall then either:
- a) make applications for any necessary statutory approvals, and negotiate them with the appropriate authorities, on behalf of the client; or
 - b) cooperate with the client or any other persons (e.g. a planning consultant, an architect or the Main Contractor or Retrofit Installer) appointed to make applications for and negotiate statutory approvals, including providing information about the retrofit assessment and the retrofit design to support the applications.

***NOTE** Attention is drawn to planning approval, listed building consent, party wall notices or approval under the Building Regulations [8])*



PAS2035:2023 Retrofit Designer Obligations

8.2.8 The Retrofit Designer shall prepare design and specification information about the EEM or package of EEMs proposed for the dwelling(s), including materials, products, processes and standards, as appropriate, and in sufficient detail for contractors and installers to work from, taking into account:

- a) the condition of the existing building, including the need to repair any structural defects and address causes of damp or water ingress into building fabric prior to the installation of retrofit measures;
- b) the agreed scope of the project, the intended outcomes and any agreed performance targets for the dwelling(s), and the budget;
- c) the information in the report(s) of the assessment(s) of the dwelling(s);

- d) any conditions imposed by the local planning authority or the building control body as part of a statutory approval; and

NOTE Conditions imposed by the local planning authority, or the building control body might not be known for some weeks after the applications described in 8.2.7 are made.

- e) the assessment of any existing ventilation and any consequent requirement to upgrade it.

8.2.21 The retrofit design shall also:

- a) make provisions for ventilation for the purpose of the safe operation of all combustion appliances, in accordance with the manufacturers' instructions and the relevant British Standards;
- b) provide for resilience against rainwater ingress (including ingress due to the failure of any critical element or construction detail);
- c) provide for resilience of the installed EEM against flood;
- d) provide resilience of the installed EEM for increased future rainfall;
- e) verify that the fire safety of the building is not compromised by the installation of EEMs, and if necessary include an updated fire safety strategy; and
- f) specify any maintenance requirements necessary to verify the long-term integrity of the installation.

NOTE 1 In providing for resilience against flood, the design should be consistent with BS 85500.

NOTE 2 Attention is drawn to the guidance relating to fire safety in Approved Document B of the Building Regulations [9]. In developing or updating fire safety strategy, BS 7974 should be followed.



Annex B (normative) Industry Quality Assurance Schemes

B.1 An industry quality assurance scheme for Retrofit Installers shall:

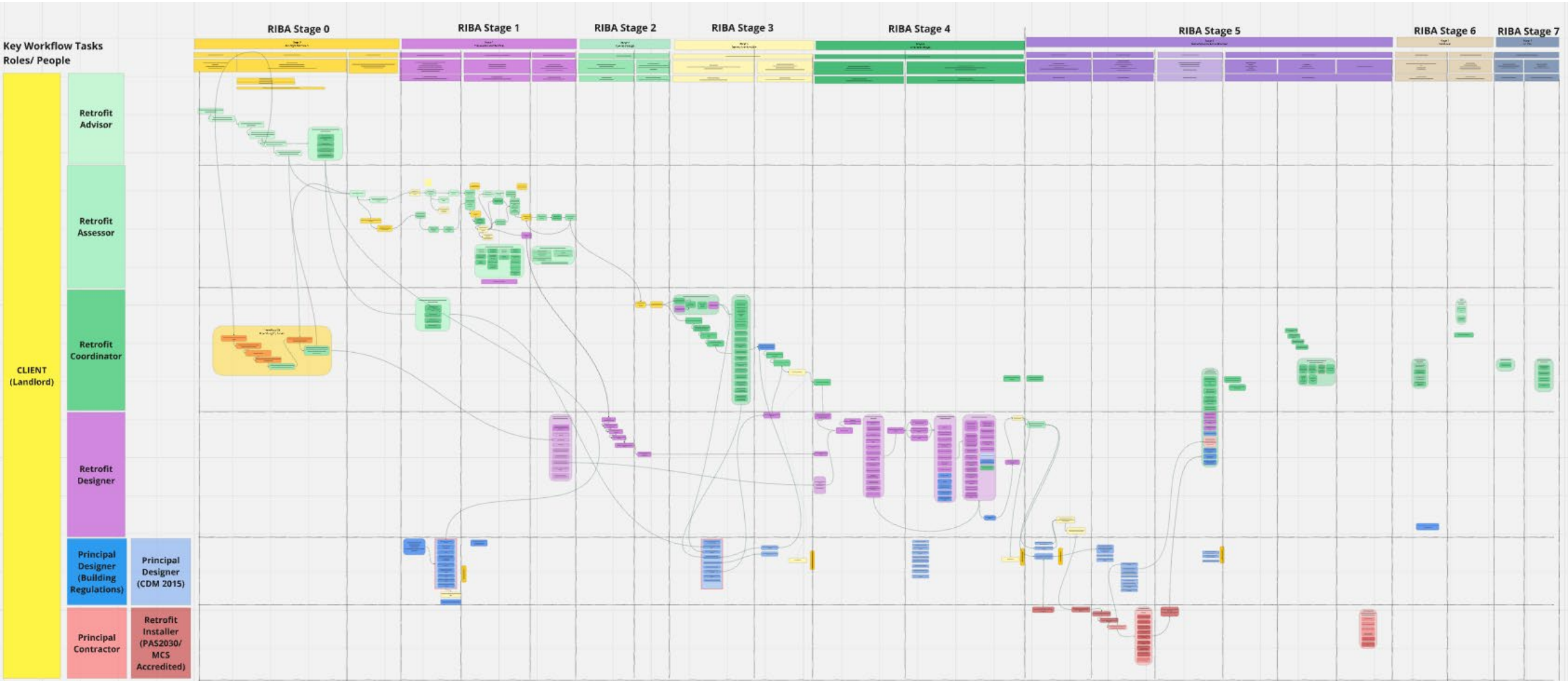
- l) require installers of systems to provide the scheme operator with evidence of compliance with the relevant legislation through membership of a competent person scheme (where applicable), and of certification under PAS 2030;

***NOTE** Relevant legislation can be found in the Building Regulations [7].*

PAS2035:2023 & BR PD
Duties in practice



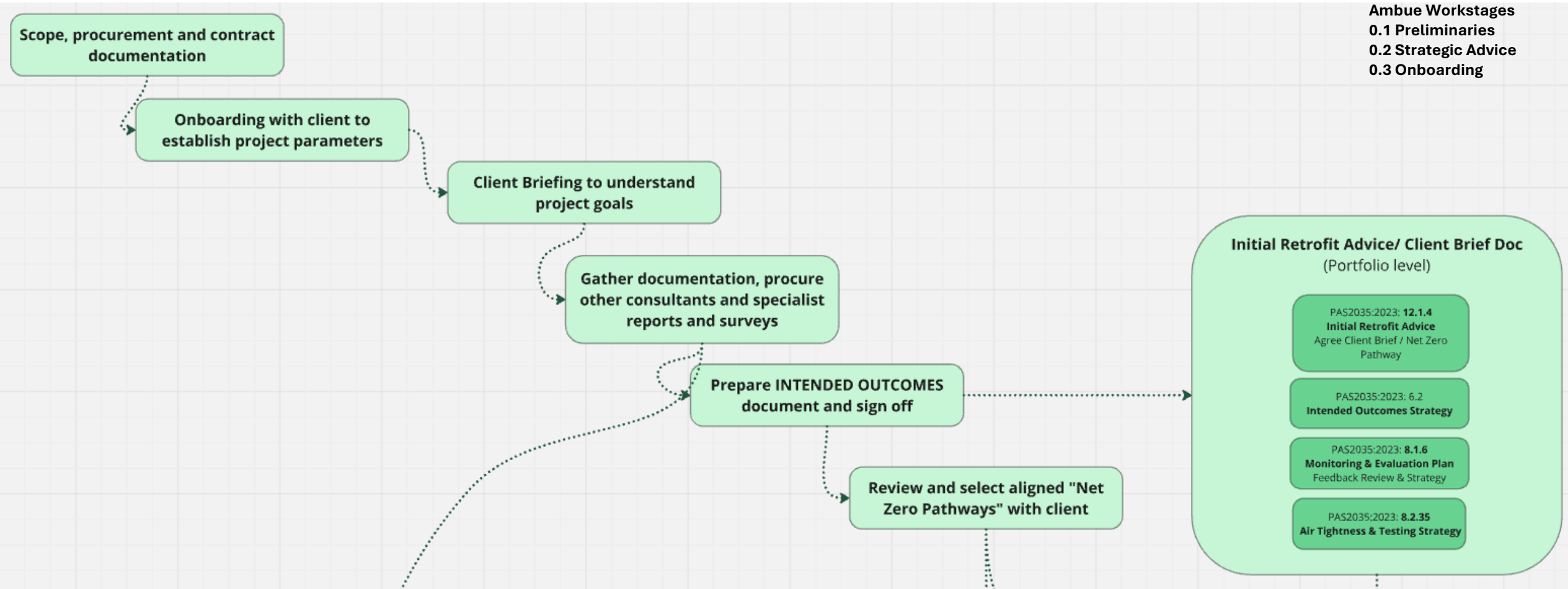
RIBA Plan of Work : PAS2035 Retrofit Process



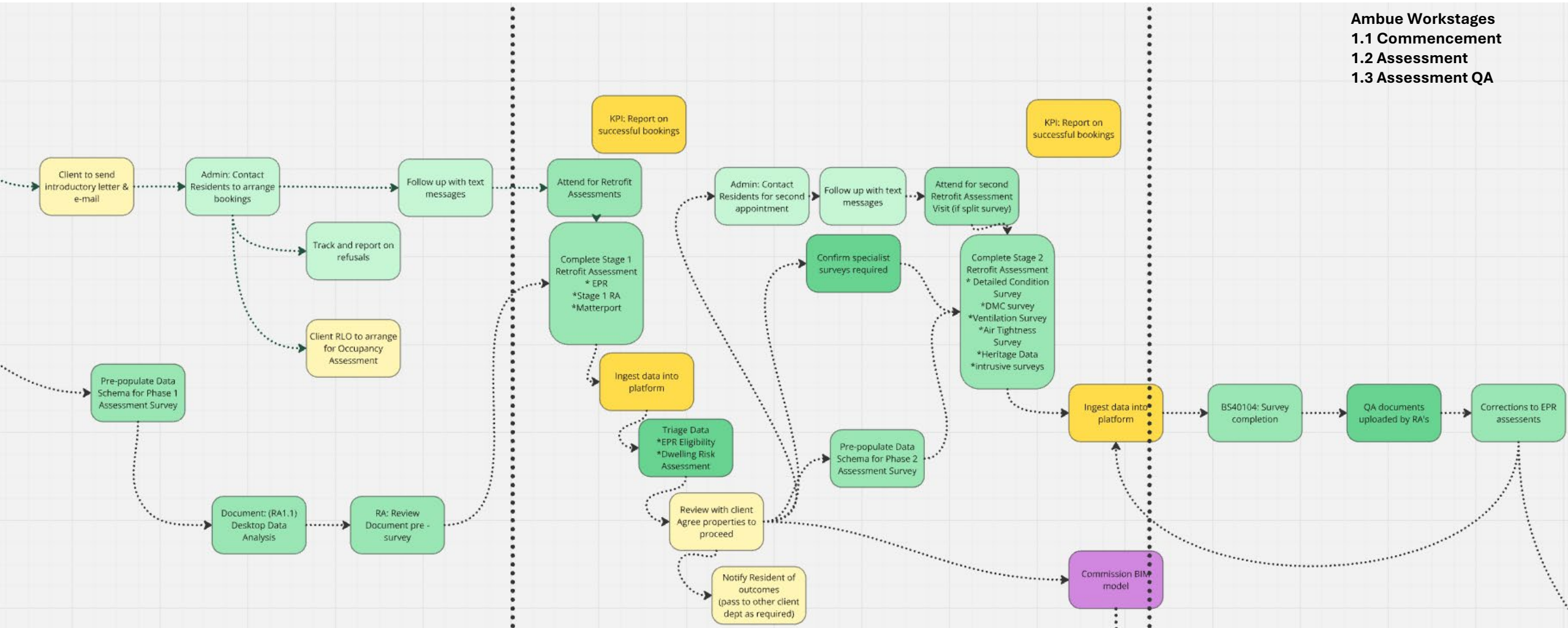


RIBA Stage 0: Strategic Definition

Ambue Workstages
0.1 Preliminaries
0.2 Strategic Advice
0.3 Onboarding



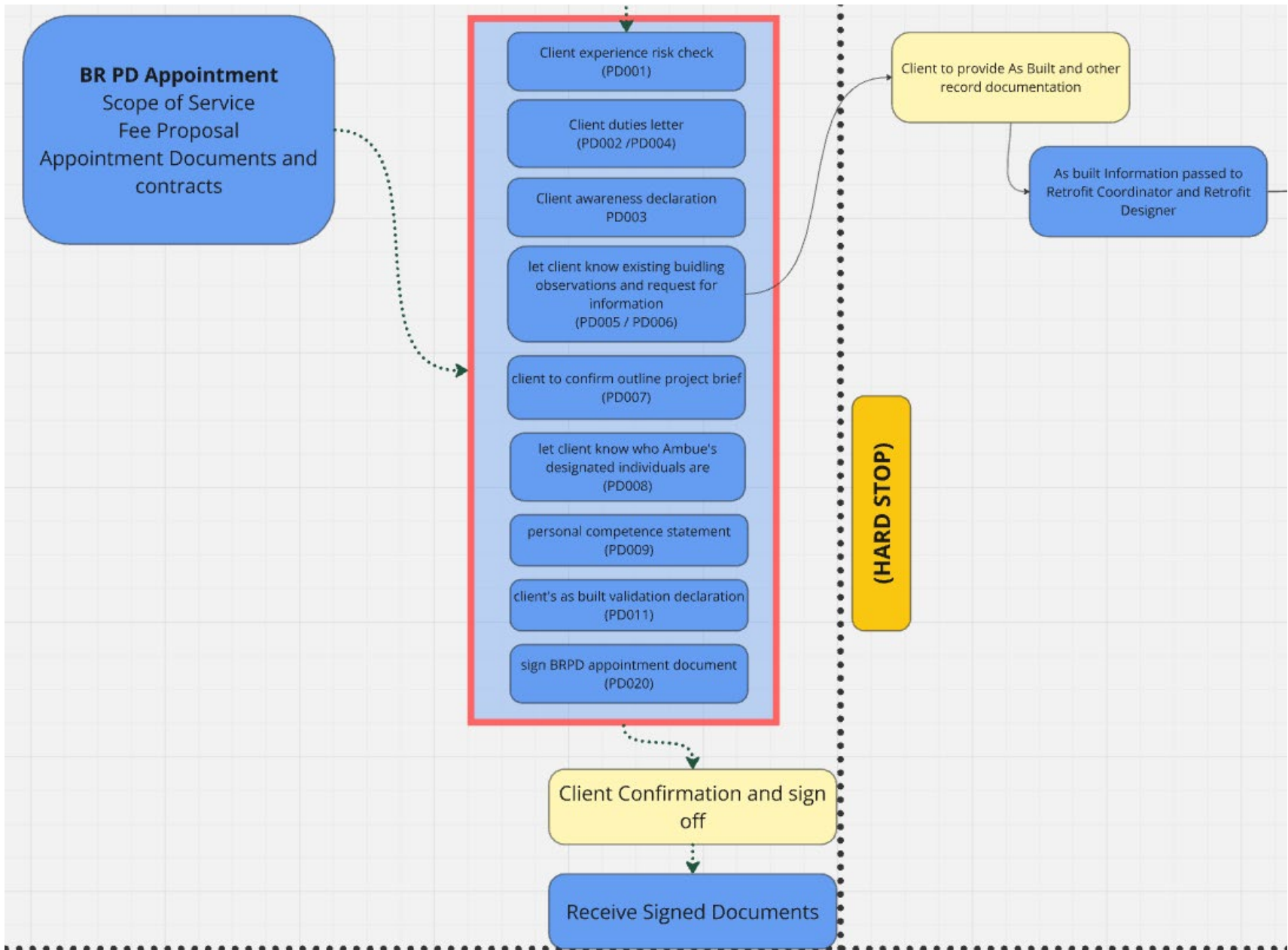
RIBA Stage 1: Preparation and Briefing



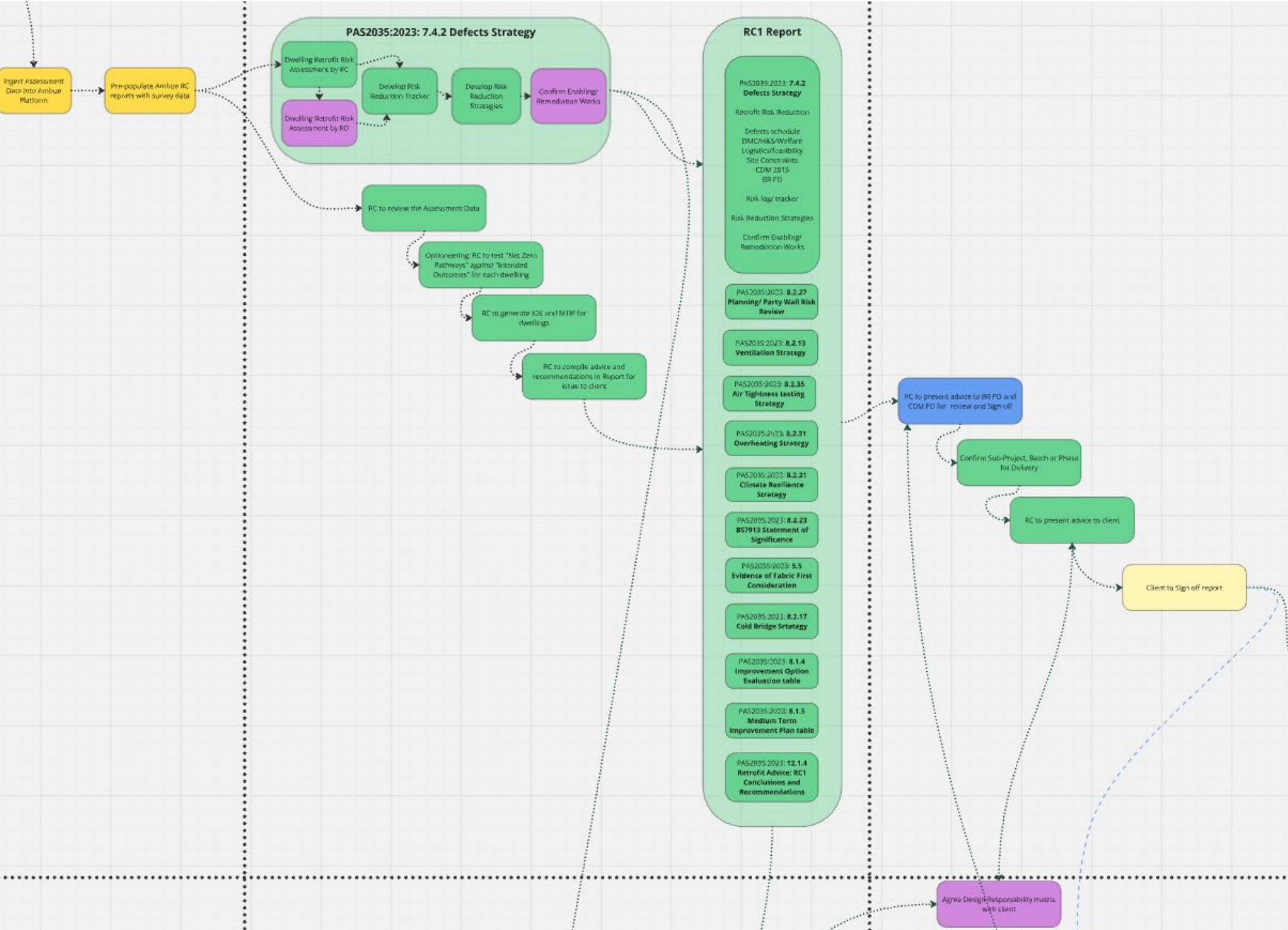


RIBA Stage 1: Preparation and Briefing

Ambue Workstages
1.1 Commencement
1.2 Assessment
1.3 Assessment QA



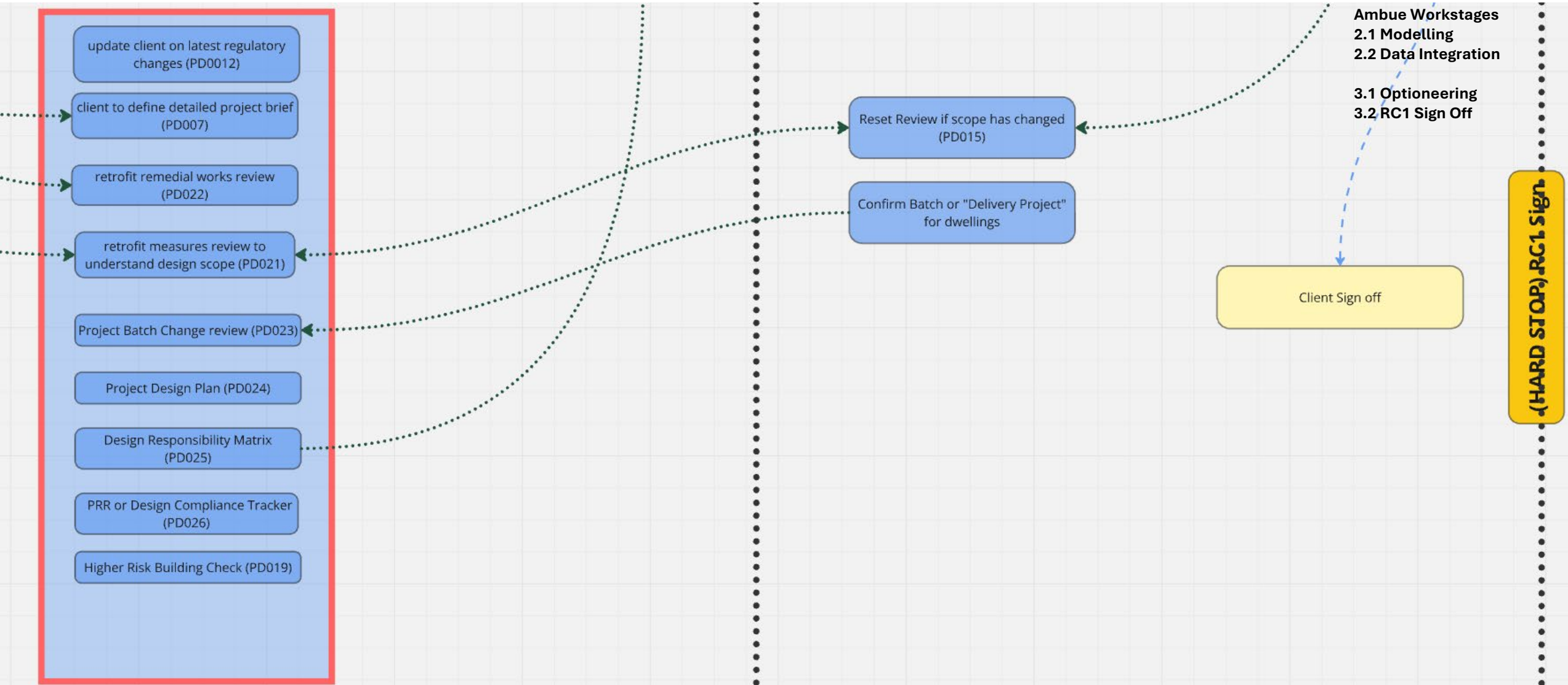
RIBA Stage 2 & 3: Concept Design & Spatial Coordination



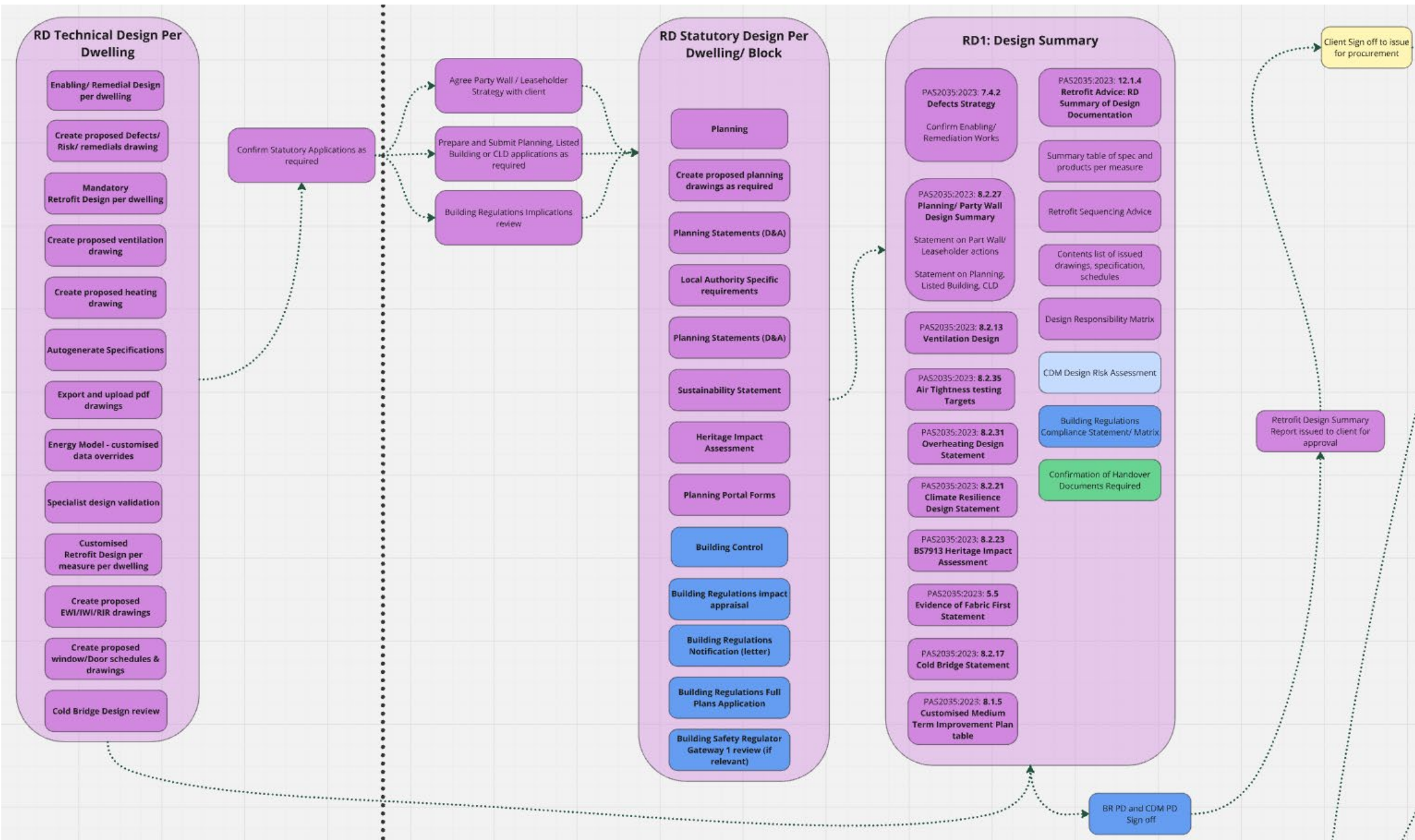
- Ambue Workstages
- 2.1 Modelling
 - 2.2 Data Integration
 - 3.1 Optioneering
 - 3.2 RC1 Sign Off



RIBA Stage 2 & 3: Concept Design & Spatial Coordination



RIBA Stage 4: Technical Design



Ambue Workstages
4.1 Design – Technical
4.2 Design - Statutory



RIBA Stage 4: Technical Design

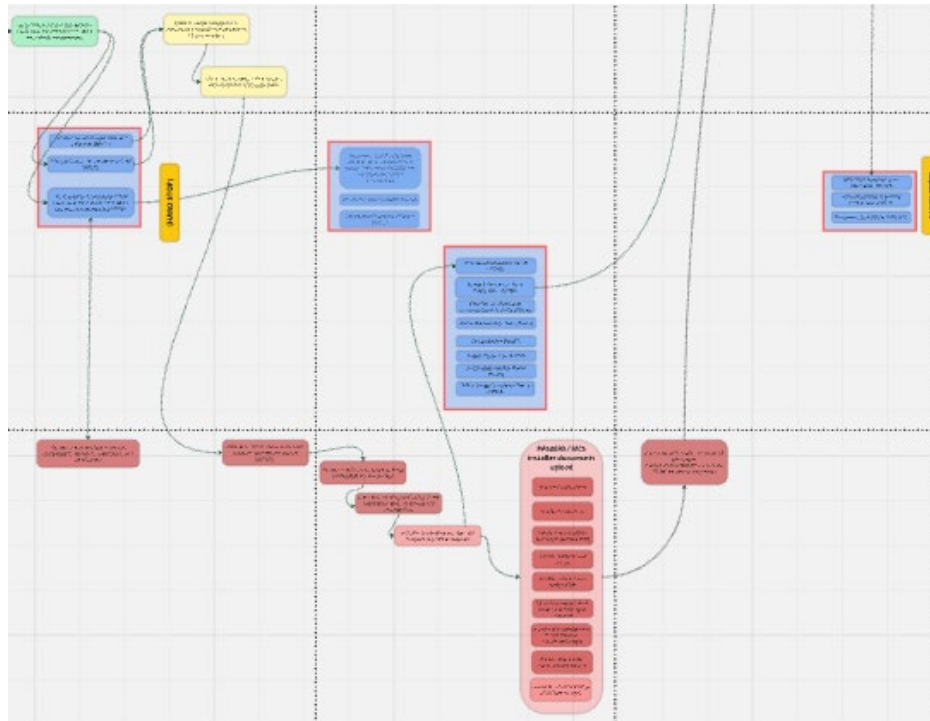
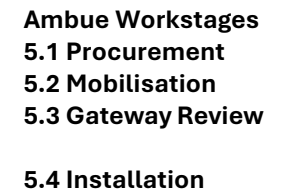


Ambue Workstages
4.1 Design – Technical
4.2 Design - Statutory

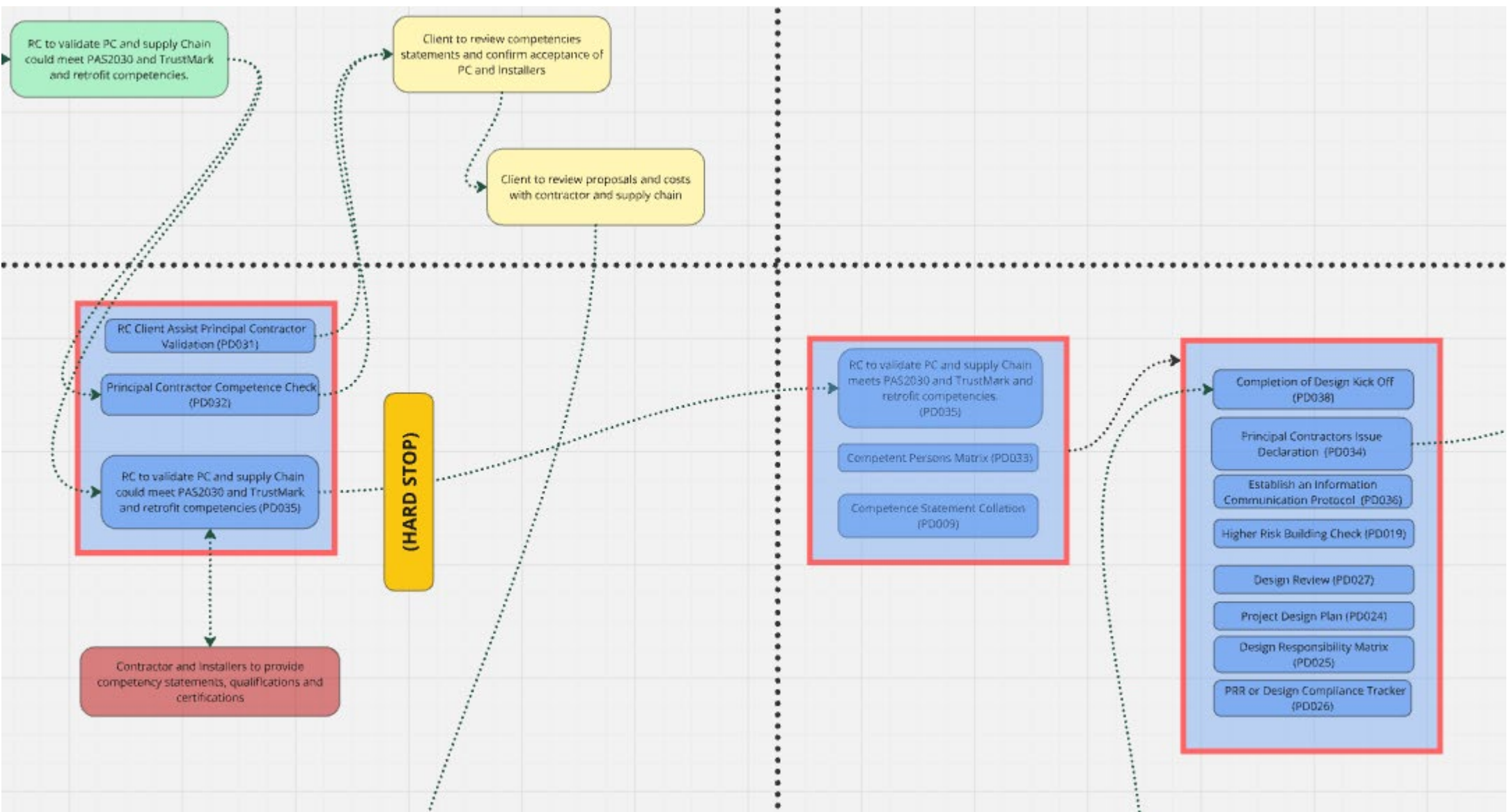
- Design Review (PD027)
- Project Design Plan (PD024)
- Design Responsibility Matrix (PD025)
- PRR or Design Compliance Tracker (PD026)
- Design Document Register (PD030)
- Retrofit Designer statement of design compliance internally (PD028)
- BR PD statement of design compliance internally (PD029)
- Designers statement of design compliance internally (PD037)
- Competence Statement Collation (PD009)

Client Sign off

(HARD STOP)

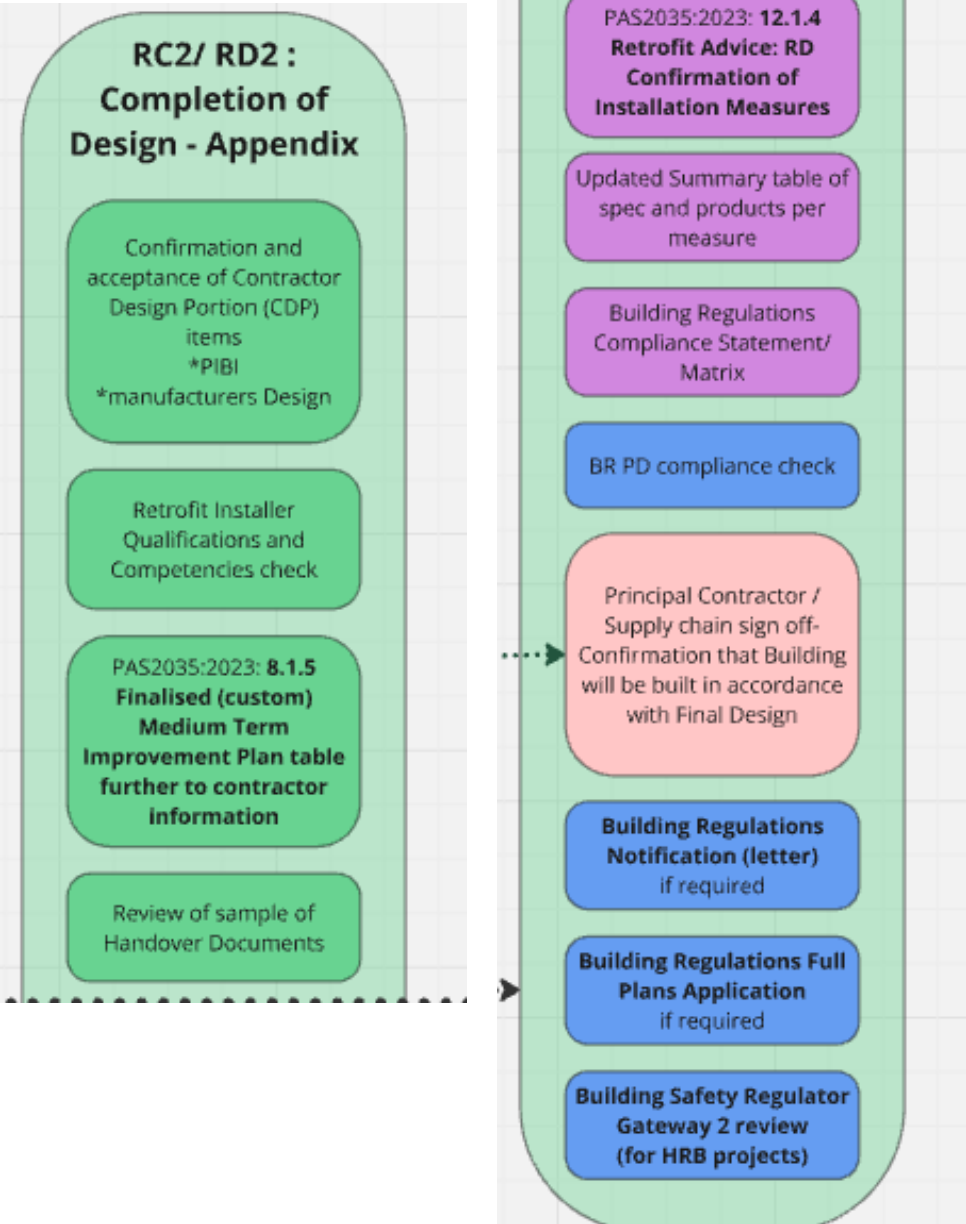


RIBA Stage 5.1 & 5.2: Procurement & Mobilisation



Ambue Workstages
5.1 Procurement
5.2 Mobilisation
5.3 Gateway Review
5.4 Installation

RIBA Stage 5.3: Gateway Review



- Ambue Workstages**
- 5.1 Procurement
 - 5.2 Mobilisation
 - 5.3 Gateway Review
 - 5.4 Installation

RIBA Stage 5.4, 6, 7: Installation, Handover, In Use



Ambue Workstages

5.1 Procurement

5.2 Mobilisation

5.3 Gateway Review

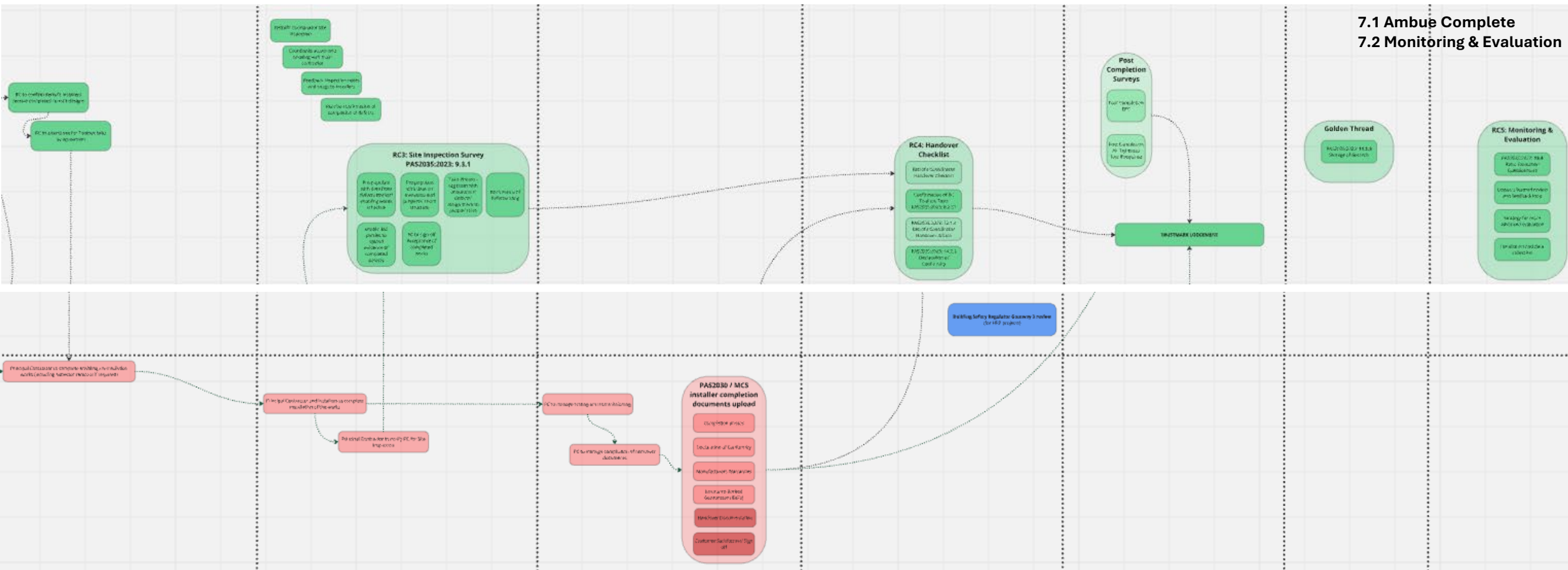
5.4 Installation

6.1 Handover

6.2 Lodgement

7.1 Ambue Complete

7.2 Monitoring & Evaluation



Discussion



We make Retrofit Simple