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Building Safety Newsletter

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March 2024



Llywodraeth Cymru
Welsh Government

Welsh Building Safety Programme

Welcome to our Building Safety newsletter - designed to keep you regularly informed on developments in Wales.

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Message from the Minister for Climate Change



I am pleased to share an update on the progress made in delivering the Welsh Building Safety Programme. Building safety is part of our cooperation agreement with Plaid Cymru.

There are two key elements of the Welsh Building Safety Programme – to fundamentally reform the existing building safety regime in Wales; and to address fire safety issues in buildings 11 metres and over in our existing building stock.

I have previously confirmed that the Building Safety (Wales) Bill, will be introduced in this Senedd term to establish a new building safety regime in Wales covering the occupation and ongoing management of multi-occupied residential buildings.

It is our intention to go significantly further than the building safety regime introduced in England via the Building Safety Act 2022. Our new regime will capture all multi-occupied residential buildings in Wales which contain

two or more residential units regardless of height. Any buildings exempt from the new regime will be clearly set out in legislation.

Lessons from the Grenfell tragedy highlighted the need for clear accountability in relation to those who own and manage relevant buildings. The Building Safety (Wales) Bill will establish a robust and coherent regulatory system, creating clear lines of accountability, imposing a range of statutory duties on relevant "duty-holders" in respect of the relevant parts of a multi-occupied residential building.

My officials continue to engage with leaseholders and tenants of multi-occupied homes to ensure the voice of residents is at the heart of the new regime.

Current plans for the new regime will place new duties on local authorities to regulate the occupation phase of the new regime, albeit there will be a need for a close working relationship with the Fire and Rescue Authorities.

I consider local authorities are best placed to take on these duties, which will be at the core of the new regime, as they already hold a significant amount of experience in overseeing regulatory requirements and in engaging with residents in their area. The new regime will also link closely with housing and building control responsibilities that currently come within the remit of local authorities.

My officials are working with stakeholders in co-developing the new regulatory regime to ensure it will be fit for purpose.

Discussions have commenced with the chairs of housing leaders Cymru and local authority chief executives about these proposals and several workshops have been held with housing, building control and environmental health leads in local authorities. More workshops are taking place this month.

Adroit Economics Ltd have been commissioned to undertake a robust economic analysis, including a cost benefit analysis, of our proposals. This work has initially focused on developing a modelling system based on our policy proposals, whilst drawing on experience of previous modelling conducted for the UK Government.

It is of utmost importance to properly consider the cost and resourcing implications of the new building safety occupation phase regime on local authorities. Once these are clearly understood, my officials will look to develop an implementation plan that fully supports local authorities through this transition.

Work has already begun to bolster capacity within local authorities by working with local authority building control to support the recruitment and training of 8 trainee building control inspectors throughout Wales.

I am also pleased to update that the first phase of the Design and Construction transition plan is nearing completion.

Registration opened for Building Inspectors and Building Control Approvers who operate in Wales on 31 January this year. This was a key milestone in the transition to the new building control regime. Registration and the maintenance of the registers is a function we have asked the UK Building Safety Regulator to carry out on our behalf, this will replace some of the work that was previously carried out by the Construction Industry Council.

It is important to note that while the UK Building Safety Regulator has many functions in relation to Registered Building Inspectors and Registered Building Control Approvers, it does not have oversight of Local Authorities in Wales. It does however have oversight of the Registered Building Inspectors that are employed by Local Authorities.

On 6 April 2024 a suite of secondary legislation comes into force bringing in tighter controls on the building control profession. The legislation changes who can advise on and carry out, certain building control work, for the purpose of improving transparency and accountability. In response to historic events, the system of forms that are used between local authorities and the private sector have also been updated to provide further formal processes and to allow work to transfer from one registered building control approver to another if necessary.

We have listened to concerns over the time required for building inspectors to register with the UK Building Safety Regulator in the appropriate class, and we have laid transitional regulations giving building inspectors until 30 September 2024 to complete their registration while still raising standards in building control.

We are moving on to our second phase of work which will look at the changes to the building control process for higher-risk buildings, as well as further accountability on all projects. I will provide further updates on that work when we have more information available. In the meantime, more details can be found online on the [Building regulations circulars](#) page.

Moving onto our remediation work to address fire safety issues in existing building stock, my announcement in November 2023 confirmed there is now a route to addressing fire safety issues in all residential buildings of 11 metres and over. There is no doubt this is an ambitious programme of work, which will not only focus on external cladding issues such as the case in England, but also internal fire safety issues, to ensure residents in Wales feel safe and secure in their homes.

Let us not underestimate the complexity of addressing fire safety issues – each building will require expert contractors, licenses to access buildings and the cooperation of residents and leaseholders. Despite this, progress is being made.

My officials are meeting with managing agents to ensure there are no delays to either surveys or remediation works on buildings with fire safety issues. Whilst the vast majority of managing agents have been supportive, in some cases, there have been delays.

I have met with FirstPort to discuss the issues leaseholders are facing in their buildings, and whilst I am pleased that FirstPort have now arranged access to some of their sites, with the assurance other sites will follow at pace, it is vital access is not delayed in future for either surveys or for remediation work.

Eleven major developers have signed up to our contract so far.

I am disappointed however, that Watkin Jones are yet to sign our contract. I do not consider this to be acceptable.

I have made it clear, and will do so again when I meet Watkins Jones, that I will consider all options available, including prohibitions on development, to ensure developers step up to their responsibilities.

We are working with other developers, understanding we all have a common interest in putting right fire safety issues and knowing the reputational damage of not doing so swiftly.

Work is also underway to reach out to those smaller developers who fall outside of the terms of the contract.

I have committed to provide support to these developers who cannot cover the full costs of remediation to ensure they are able to step up to their responsibilities without impacting on their operations and the vital role they play in the housing market in Wales. My officials have written to these developers, and an initial meeting has been held to set out the support available to them.

In my statement in November, I also outlined work with the social sector and those buildings with no identified developer, or buildings whose developers have ceased trading. Buildings in both these categories will be supported by the Welsh Government. Currently, my officials are meeting with the managing agents of orphan buildings to arrange any additional surveys necessary, the development of work schedules and making sure works happen swiftly, and social landlords have been invited to submit applications for any remaining residential buildings of 11 metres or over that require fire safety works to take place.

To date, 37 buildings have been completed, and work is underway on a further 86 buildings, with remediation work to start on more buildings this year.

Alongside our works to identify, survey and remediate residential buildings across Wales, work has also been undertaken to support leaseholders who may have faced barriers when trying to sell or remortgage their homes.

The Royal Institution of Chartered Surveyors announced the publication of new valuation guidance for properties in multi-storey, multi-occupancy residential buildings with cladding in Wales on 15 December, which will help support the removal of barriers to allow leaseholders to access mortgages and other financial products.

However, we understand that there is likely to be a transition period as this guidance beds in, and to ease any pressure for those leaseholders, the Leaseholder Support Scheme remains in place until 2025 to offer leaseholders in significant financial hardship the opportunity to have free independent financial advice, and if it is the right option, the chance to sell their property.

Finally, I have listened to leaseholder concerns about building safety and the complexities of the legal system surrounding it. My officials are now in the final stages of procuring specialist independent legal advisors, who can help steer leaseholders and others through any legal difficulties.

This scheme will be signposted through the Leaseholder Advisory Service and will launch in the new financial year.

I again urge those responsible for residential buildings above 11 metres in Wales, who have not already done so, to access support through the Programme via an Expression of Interest. Our specialist contractors will undertake a survey to assess whether the building is in scope, whether any fire safety issues are present, and whether, in the consultant's opinion, these result from the construction of the building, relate to the maintenance of the building, or are the result of leaseholder action.

Which leads me to my final update today on the work to establish a Joint Inspection Team that will provide an additional resource to improve the safety of multi-occupied residential buildings in Wales.

A new company, the Joint Inspection Team for Building Safety (Wales) Limited has been established. This team will support local authorities and the Fire and Rescue Authorities in undertaking additional inspections of these high-risk buildings and providing advice and recommendations with four principal advisers, covering expertise in building control, environmental health, fire engineering and fire and rescue services. A successful recruitment exercise has recently concluded for these roles.

Collaboration and joint working are crucial to the success of the Joint Inspection Team, and positive discussions have taken place between all parties to agree a consistent approach to risk assessment and prioritising buildings for inspection. The Joint Inspection Team will prioritise buildings where the owners / managing agents who have not yet submitted an expression of interest to the Welsh Government's Building Safety Fund for an intrusive fire risk assessment.

I expect the team to undertake its first inspection early in the new financial year.

ABOUT

Reform the current system of Building Safety, so that people feel safe and secure in their homes.

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gov.wales/building-planning

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