



Safer Buildings in Wales: Building Safety White Paper

12 April 2021

Response by the Royal Society of Architects in Wales (RSAW)

Following a RSAW member feedback session held in March 2021, we decided to focus our response on the questions in Chapter 6 (Design and Construction Phase) as this is the area of the policy that is of most interest to our members. Instead of answering every question individually, we will outline our feedback for each group of questions in Chapter 6.

Questions 9-10

We feel a consistent approach with England is a sensible policy decision to ensure clarity and avoid confusion. Many of our members undertake work in England and Wales, so a divergence of policy in this area would dramatically increase the demand on their knowledge base.

Questions 11-13

We broadly support the proposals as outlined for the broad duties. We would like to add that we feel that Designers must carry an appropriate level of Professional Indemnity Insurance in relation to the scheme that is seeking approval. In our opinion, this would in effect indicate that the Designer involved has the proportionate professional competencies.

Questions 14-17

We feel the existing arrangements are ineffective. It is our opinion that Welsh Government should compel Welsh Water to ensure there is enough water supply available to fight fires. We fully support Fire and Rescue Authorities being included in specific consultation bodies. We support the proposed content of a Fire Statement. We feel that dutyholders should be responsible for ensuring a fire statement is produced (not necessarily responsible for its contents).

Questions 18-21

We agree that Gateway Two should be a 'hard' stop point. We also feel that this should be extended to Category 2 buildings. We believe eight weeks is an appropriate time scale for the Local Authority Building Control to respond to Gateway Two applications. We would like Local Authorities to be dutybound to allow for a meeting with the applicant at week four of the process if problems have been identified with the application. This would allow the applicant time to try and remedy the identified problems.

Questions 22-25

We agree that the Principal Contractor should be required to consult the Client and Principal Designer on changes to plans. We also agree that the Principal Contractor should be required to notify the Local Authority Building Control of any proposed major changes.

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However, we would like clarification on what constitutes a 'major' change. We feel that two weeks is an appropriate time scale for the Local Authority Building Control to respond to proposed major changes. We would like to add that seemingly minor changes may have a major impact on a proposed fire strategy.

Questions 26-31

We agree that an Accountable Person must be registered for a new Category One building before occupation.

We do not agree that a final declaration should be produced by the Principal Contractor with the Principal Designer to confirm that the building complies with Building Regulations. This would mandate the Principal Designer to confirm work carried out by others is of sufficient quality. This is not a reasonable expectation of the Principal Designer. In our view, it is only reasonable for the Principal Designer to confirm that the design complies with Building Regulations. It would also be reasonable for the Principal Contractor to confirm that the building has been built to comply with Building Regulations. The declaration by the Principal Designer could be made at Gateway 2 and the declaration by the Principal Contractor could be made at completion.

We do not feel it is appropriate for us to dictate an appropriate timescale for Local Authority Building Control to respond to Gateway Three submissions. We support prescribing Local Authority Building Control's ability to extend timescales in some situations with clear communication. We fully support mandating the Client to hand over building safety information to the Accountable Person before occupation is permitted at Gateway Two (if not continuing in the role as Accountable Person). We also feel it is appropriate to allow staged occupation (where previously agreed during Gateway Two).

Questions 32-34

We fully support the proposal for a single and clearly identified Accountable Person for all premises covered by the Building Safety Regime. We feel that care homes, low rise flats for elderly people or individuals with special needs and serviced apartments should go through the Gateway process. For simplicity, we would advocate any building with more than one residential unit to be in scope. We would be very interested in receiving future notification of future consultation in this area.

Question 104

We support the proposal for additional fire alarm systems for all residential dwellings, however we have concerns over resource and rollout.

Further comments

We do not feel it is reasonable for a digital model of the building to be produced by the Principal Designer. It is more reasonable for a digital copy of documents to be provided.

We feel that building insurance in the occupation phase should be mandatory to ensure that any specified materials that are found to be defective (but are accepted as suitable at the pre-occupation phase) are covered.

RSAW, Studio 111, The Creative Quarter, Morgan Arcade, Cardiff, CF10 1AF
rsaw@riba.org / 0292 022 8987 / www.architecture.com/wales