

Session 5: The Building Safety Act 2022: Gateways

Questions & Answers from the Session

1. Gateway Process & Regulatory Questions:

- **Will the definition of higher risk buildings be revised to link with consequence classes as defined in BS EN 1990?**
 - *No, this is not currently anticipated*
- **Is there clear guidance on what design elements can be delayed until Gateway 3?**
 - *The IStructE has provided guidance on this, available [here](#)*
- **Are issues associated with Gateway 2 rejections being gathered to inform future amendments to the Act?**
 - *Not as far as the IStructE understands. Changing an Act of Parliament and its secondary legislation is a lengthy and unusual process, so would not be anticipated*
- **Will anonymised examples of Gateway 2 rejections be published in CROSS or SCOSS newsletters?**
 - *This is not planned as it is not the purpose of these bodies*
- **Is the industry sufficiently equipped and resourced to meet Gateway 2 demands?**
 - *Given there are still many submissions with incomplete and/or missing structural design information, it would appear that there is still not sufficient understanding of what is required. However, what the BSA is asking for in its totality is not a significant change from historical good practice, more a change in process and timing, so this is thought to be primarily an issue of understanding and awareness rather than unrealistic demands*
- **How are significant design changes during construction treated under the Gateway process?**
 - *They should be dealt with via a change request submitted to the Building Safety Regulator (BSR)*
- **Will a re-submitted application be reviewed by the same checking engineer? Is the response time shorter?**
 - *Not necessarily, this will be at the discretion of the BSR*
- **Who decides if a change is major? What constitutes a major change?**

- *The designer in conjunction with the BSR. Please refer to the Definitions in the legislation for further guidance on what constitutes a major change*

2. Design & Technical Questions:

- **Is a preliminary pile design based on geotechnical capacities sufficient?**
 - *If it is only sufficiently developed to be labelled as “preliminary” then no. The BSR are seeking confirmation that the design has been developed and coordinated and fully implemented into the wider design proposal*
- **Can foundation design be justified solely through load comparison in change-of-use scenarios?**
 - *Not necessarily. Design and analysis should be proportionate and appropriate to sufficiently justify the reuse condition. Further guidance on foundation reuse can be found [here](#)*
- **Can façade design at Gateway 2 be preliminary, with detailed design submitted later?**
 - *Not if it is only sufficiently developed to be labelled as “preliminary”, as this moves away from achieving certainty of design and coordination prior to commencement on site*
- **Should structural and cladding designers’ wind load analyses be aligned before Gateway 2?**
 - *Yes, as this will be a fundamental consideration in the design and coordination of the building*
- **Would it be beneficial to include façade consultants earlier in the design process?**
 - *Yes, simplistically the sooner the better to ensure the design is coordinated as its being developed*
- **How should software-based analysis and design be documented for the checker?**
 - *Reporting should be sufficient to provide clarity of the design arrangements and enable ease of checking. Signposting and indexing should be provided, together with commentary on key risk aspects such as load paths (particularly any transfer elements), disproportionate collapse and fire resistance and how these are managed*
- **Will the need to pass Gateway 2 early lead to overly conservative designs and increased embodied carbon?**
 - *It shouldn't do, and if anything it may lead to more refined designs given the design should be fully coordinated at the time of submission, reducing the risk of late changes due to or the building in of conservatism to allow for CDP items being completed after the structural design is nominally finished*

3. Product Specification & Compliance:

- **Is “or similar approved” still acceptable in product specifications? Is manufacturer engagement required?**
 - *No, as the point of the process is to generate a fully coordinated and compliant design at the point of submission, so subsequent changing of products without due process could risk undermining this*
- **Beyond the fire statement, what are the Structural Engineer, Principal Designer, and other consultants required to provide at Gateway 1?**
 - *Formally, nothing, although a Structural Engineer and other consultants may need to contribute to enable a Gateway 1 planning application to ensure feasibility*