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Building Control Approval: The impact of the Building Safety Regulator on Gateways 2 and 3

The introduction of the [Building Safety Act \(2022\)](#) came as a monumental shift in UK law, in a bid to make buildings safer for everyone. As a result, the Building Safety Act Gateways review and approval system was introduced for [higher-risk buildings](#), from approving designs, to build, through to occupation.

However, with recent changes such as the removal of the Building Safety Regulator (BSR) from the Health & Safety Executive (HSE)¹, and further issues due to admin delays and miscommunication, the industry is witnessing significant delays to approvals at the Building Safety Act Gateways 2 and 3 in particular.

While designed to enhance safety, the [Building Safety Act Gateways](#) have unfortunately created substantial bottlenecks in the approval process.

In this blog, we highlight what's happened so far, the effect Building Safety Act Gateways 2 and 3 are having on the industry and approval processes, and what can be expected as a result of the reform of the BSR.

What is the Building Safety Regulator and the Building Safety Act Gateways?

Set up under the [Building Safety Act \(2022\)](#), the Building Safety Regulator² sets out rules to protect the design and construction of higher-risk buildings and to:

- regulate higher-risk buildings
- raise safety standards of all buildings
- help professionals in design, construction, and building control, to improve their competence

3 key gateways were also introduced under the building safety legislation as checkpoints to ensure a higher-risk building's safety, from its design, through to occupation:

- Gateway 1 – Planning
- Gateway 2 – Pre-construction approval
- Gateway 3 – Pre-occupation sign-off

Building Safety Act Gateways: How to achieve and demonstrate organisational compliance

✓ Constructionline's solution supports

Gateway 1

Client submits requirements and documents, e.g. Fire Statement and planning application.

Reviewed by HSE who provide advice to Local Authority (LA are responsible for granting planning permission).

Principal Designer prepares & submits safe design.

Gateway 2

Building Control Body inspection.

Client submits evidence of:

✓ 11E - Compliance with regulations (for themselves & their supply chain).

Provision of full plans.

✓ 11F - Appointment of competent people.

Application for Building Control Approval.

Gateway 3

Demonstrate the building is safe to occupy.

Apply for completion certificate.

Show ongoing management plans.

Appointment of Principal Accountable Person (PAP) to oversee safety throughout the building's operational life.

Despite the gateways' intentions to prioritise safety, construction professionals are facing significant approval delays at stages 2 and 3. But why?

Building Control Approval rates for Higher-Risk Buildings

Latest figures up to March 2025³ by the BSR reveal a desperate picture: 50% of applications for existing HRBs and 45% for new higher-risk-buildings were rejected, mainly down to failure to meet legal and regulatory requirements.

Companies feeling the effects of these delays and rejections say, "it's a wrecking ball for cashflow"⁴, not helped by 1,300 finished flats lying empty at gateway 3 in the approval process too. This also comes as a setback for Labour's 2024 election manifesto to build 1.5m homes in England by 2029⁵: with homes not being approved, targets can't be met.

What is causing Building Control Approval delays?

The BSR recently announced it would be reforming to speed up review and approval processes for HRBs – but what is causing delays in the first place?

In an industry where margins are already so tight, it's understandable why some projects may fall even further behind as they try to find money to pay for Building Control applications⁶ which isn't as widely reported on. Some of the costs include:

- £189 to apply for building control approval
- £189 to apply for change control
- £227 to apply for a full or partial completion certificate

And then:

- £151 per hour for Building Safety Regulator (BSR) staff to work on your case
- for any costs BSR incur from relevant authorities or third parties

The BSR admitted it has suffered from a lack of in-house technical staff to review submissions. Many of the submissions they've seen haven't been sufficient enough: for example, Gateway Rejection Notices reveal incorrect materials have been submitted, no fire safety strategy or means of escape, and structural issues.

Regulators want to ensure all bases are covered so buildings designs and works are safe: however, limited communication between them and developers is causing hefty delays.

What impact does the Building Safety Regulator have on approving Higher-Risk Buildings?

In response to the few HRB approval rates, delays and rejections, the BSR issued an update⁷ indicating they were aware:

“We acknowledge that many applications have taken longer than anticipated to process. But we’re having to reject around 70% of applications because they don’t meet the legal requirements.

This isn’t ‘red tape’ for the sake of it. We’re preventing risks and problems from being designed into the built environment.”

— Philip White, BSR’s Chief Inspector of Buildings

A deeper dive into the numbers by Surventrix⁸ reveals:

Existing HRB Applications:

- 89% lacked sufficient detail
- 80% failed to meet legal requirements
- 50% proposed work that would contravene existing building regulations
- 43% described only a fraction of the actual work planned

New-Build HRB Applications:

- 73% did not meet legal standards
- 73% lacked the necessary level of detail
- 45% proposed work that would breach building regulations

The difference between the Common Assessment Standard PQQ and Constructionline's BSA Assessments

[Read the blog](#)

In some cases, some developers have reported Gateway 2 Building Safety Act applications taking up to 40 weeks to determine⁹. Furthermore, some applications have been left to the last minute, resulting in rejections and sad consequences for students who had hoped to move into Deakin’s Yard, Staffordshire.

Case study: Keele University Student Accommodation approval blocked before September intake

Summer 2025 saw devastating news for Keele University students hoping to move into new accommodation in September, but discovered they were unable to move in as it had not yet received its Gateway 3 approval certificate for occupation¹⁰.

It was reported that the delay is down to an ‘admin situation’¹¹, where students were blocked from moving in as it was suspected to be in breach of building regulations.

As a result, hundreds of students face uncertainty of where they'll stay during their studies, despite move-in dates being only weeks away from hearing the news.

What improvements can be made to HRB approvals?

Fortunately, reform has been made to the Building Safety Regulator. Although it may take time to feel the effects of this in order for Gateway 2 and 3 submission reviews to come through quicker.

One of the reform methods sees a new Fast Track Process introduced 'which will bring building inspector and engineer capacity directly into the BSR to enhance the processing and review of existing new build cases and remediation decisions.'¹² 100 new members of staff are on hand to support the operations, aiming to reduce delays and support progress 'towards building 1.5m safe, high-quality homes'.

In fact, in collaboration with the BSR, the Construction Leadership Council (CLC) has published guidance on Building Control Approval Applications for a new Higher-Risk Building (Gateway 2)¹³, based on staged submissions to hopefully speed up reviews, while maintaining building safety as a priority.

You can see guidance here

Key Takeaways – Tips to speed up Building Control Approval rates

While thorough safety reviews for High-Risk Buildings are essential, you can improve your chances of Building Safety Regulator approval by:

- Submitting comprehensive, well-documented designs
- Ensuring all safety requirements are clearly addressed
- Including detailed risk assessments with mitigation strategies
- Providing complete technical specifications and compliance evidence
- Anticipating BSR questions with supporting documentation

Following these practices will help expedite the review process while maintaining critical safety standards.

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Blog [Buyers, Supply Chain, Compliance, Building Safety](#)



Building Safety Act Gateways explained

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