

## **ARL response to House of Lords Inquiry into the Building Safety Regulator**

**28 August 2025**

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### **ARL background and reasons for submission**

#### **Who is the Association for Rental Living (the “ARL”)**

The Association for Rental Living (ARL) is the principal membership body representing institutionally backed, professionally managed purpose-built Build to Rent (BTR) sectors including urban and suburban single-family and multi-family rental, co-living and later living.

Our 310 members include the largest national and international financial institutions, developers seeking to build new BTR schemes and operators of BTR schemes. ARL members own or operate over 80% of the 127,000 completed and operational BTR homes in the UK.

#### **What is Build to Rent (BTR)?**

The BTR sector is a distinct subset of the private rented sector. BTR developments are purpose-built and professionally managed rental homes, backed by long-term institutional investment. The majority of BTR developments are high-rise buildings, so the Building Safety Act and the role of the Building Safety Regulator have significant impact on the viability and delivery of new rental homes.

Investment of £300bn is needed to meet the future household growth requirements of an additional 1 million homes in the Private Rented Sector (PRS) by 2031 (Savills). The BTR sector has already delivered £35bn investment in 127,000 completed BTR homes across the UK in the past decade, with a further 146,100 in the planning and delivery pipeline.

To unlock the potential investment in the institutionally backed rental living sector, the ARL is submitting this evidence to highlight the need to urgently address the delays created by the BSR to unblock a large number of stalled schemes and give investors the confidence to re-enter the BTR sector.

The ARL is actively working with its members to raise awareness of the requirements and implications of the BSA, to ensure investors in particular are fully aware of their obligations.

Our aim is to promote a shift from compliance to competence.

## **Submission to the House of Lords Inquiry into the Building Safety Regulator**

### **1. What is your experience of the Building Safety Regulator's regulatory framework? Has the introduction of the BSR improved the safety of the buildings it is responsible for, and can any examples be given to illustrate this?**

The introduction of the Building Safety Regulator (BSR) has significantly improved the governance, accountability, and cultural awareness of building safety across the sector. It has formalised responsibilities through clearer duty holder roles, introduced the Gateway approval process, and mandated the creation of the Golden Thread of Information. These measures have driven a shift from reactive compliance to proactive risk management.

The introduction of the BSR has certainly heightened awareness of building safety across the industry, and we support its focus on accountability, competence, and resident engagement. The implementation of the golden thread of information, mandatory reporting, and clearer duty holder responsibilities has had a positive impact.

However, while intent and awareness have improved, we are not yet seeing tangible improvements to safety outcomes in existing buildings, partly due to delays and inconsistencies in implementation. The real impact on safety will be clearer once secondary legislation and enforcement are more consistently applied across the sector.

Moreover, the BSR's processes, while well-intentioned, have sometimes introduced new challenges. Delays in approvals, lack of contractor availability, and bureaucratic hurdles have led to stalled projects, increased costs, and resident distress. In some cases, the system designed to improve safety has inadvertently prolonged risk exposure.

One thing to highlight is that there seems to be more of a blame culture instead of a collaborative one, evident through new appointments with clients. The regulators themselves act with caution, as if a wrong decision is made the punishment is significant. The BSR needs to be positive, encouraging and collaborative, which is not the case currently.

In summary, the BSR has laid a strong foundation for long-term safety improvements, but its immediate impact on the physical safety of buildings remains limited. The success of the regime will ultimately depend on the timely delivery of remediation works and the regulator's ability to streamline its processes.

## **2. How has the Building Safety Regulator's (BSR's) regulatory framework impacted the delivery of new homes and the maintenance and improvement of existing high-rise buildings?**

There has been a significant impact on the delivery of new high-rise rental homes since the introduction of the BSR regulatory framework. Our members have numerous examples of continuous delays to delivery of schemes due to lack of clarity over Gateway requirements and inconsistent advice and guidance from building control.

There has been a significant impact on the viability of high-rise schemes due to the complexity of additional requirements in design and construction, which has led to a slowing of investment into such schemes, and investment shifting either overseas or into lower rise blocks and houses.

While the regulations are clear, the lack of any guidance or standardised templates by the BSR has led to confusion and frustration with the industry. The Gateways, while valuable in principle, can be slow and bureaucratic, which can put clients off when they learn their project is classed as an HRB – not due to safety concerns, but because of perceived complexity, cost and uncertainty.

A positive impact of the BSR has been the cultural shift it has driven. Designers, clients and contractors are engaging with building regulations far more rigorously. There's also a positive push towards scrutinising product performance and test data, although this has highlighted gaps where certain interfaces lack robust test evidence.

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## **3. What impacts could the framework have on the delivery of the Government's housing targets?**

The BSR framework is already having a measurable impact on the delivery of housing, particularly in the high-rise and urban development sectors. The introduction of Gateways 2 and 3 has created significant delays in project timelines, with some developers reporting year-long waits for approvals. These delays are compounded by uncertainty around submission requirements and the lack of feedback during the review process.

The increased cost and complexity of compliance—especially the need for detailed design work and specialist consultants—has made many high-rise schemes financially unviable. Developers are increasingly redesigning projects to avoid HRB classification,

reducing density and undermining the Government’s goal of delivering more homes in high-demand areas.

Investor confidence has also been affected. The unpredictability of the approval process and the risk of regulatory delays have led some institutional investors to reconsider their involvement in the UK housing market. This is particularly concerning for Build to Rent and student accommodation sectors, which rely on high-rise formats.

Smaller developers or those operating on tight margins may choose to delay, redesign, or even abandon schemes, particularly high-rise elements, in favour of lower-risk, low-rise projects that fall outside the regulator’s scope. Over time, this could shift the housing mix away from dense urban developments, undermining the Government’s goal of maximising housing delivery in areas of high demand.

Without urgent reform to streamline the Gateway process, improve regulatory capacity, and provide clearer guidance, the BSR framework risks becoming a significant barrier to meeting national housing targets.

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#### **4. Does the Building Safety Regulator’s regulatory framework strike the right balance between providing a holistic, outcomes-based view of safety and ensuring that developers and building owners understand what they are required to do?**

No, we do not believe the Building Safety Regulator’s framework strikes the right balance. There has been a lack of clear guidance on what information should be included in a Building Safety Case, making it difficult for our teams to focus on the most relevant aspects. Additionally, when the regulator reviews our submissions, they often request information that has already been provided, which suggests a lack of clarity and consistency in the process.

The BSR’s framework is commendable in its ambition to move away from a prescriptive checklist model toward a holistic, outcomes-based approach. It encourages developers and building owners to take responsibility for the long-term safety of their buildings, supported by tools like Safety Case Reports and the Golden Thread.

However, the flexibility of this model has created significant uncertainty. Many developers and managing agents—particularly smaller operators—struggle to interpret what compliance looks like in practice. The lack of standardised templates, exemplar submissions, and consistent feedback from the BSR has made it difficult to understand

expectations. This has led to inconsistent interpretations, risk aversion, and in some cases, withdrawal from high-rise development altogether.

The administrative burden is also substantial. Compiling and maintaining the Golden Thread, preparing Safety Case Reports, and navigating the Gateway process require significant resources, which are not always proportionate to the risk or scale of the project.

While the framework has the potential to raise standards and embed a culture of safety, it currently lacks the clarity and support needed to make it accessible and effective for all stakeholders. More practical guidance, scalable requirements, and early engagement mechanisms are essential to strike the right balance.

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## 5. To what extent are delays in approvals for high-rise buildings down to the regulatory processes used by the BSR?

Delays in approvals are largely attributable to the BSR's regulatory processes. Key issues include:

- **Lack of transparency:** Applicants receive little to no feedback unless an application is formally rejected, making it difficult to improve submissions.
- **Limited engagement:** The BSR operates a closed-door model, with minimal dialogue or iterative review, which frustrates developers and slows progress.
- **Resource constraints:** The slow allocation of multidisciplinary teams (MDTs) and limited internal capacity have created bottlenecks.
- **Inflexible processes:** The requirement to submit full designs before any part can be reviewed delays projects unnecessarily. A staged or prioritised review process could significantly improve efficiency.

The BSR's regulatory framework is having a clear impact on housing delivery, especially for high-rise schemes in London where high-density housing is essential. The current HRB regulations and the industry's difficulties with the Gateway process have become a major barrier, reflected in the drop in high-rise completions since 2023, while other challenges like planning and supply chains have remained relatively stable.

Developers are increasingly reluctant to engage with the HRB process due to the lengthy delays and risks involved. We're seeing schemes being scaled down—storeys

removed—to avoid triggering Gateway 2 altogether. This is a real concern because high-rise buildings are crucial for delivering sustainable, well-connected urban housing.

While some delays may be due to poor-quality submissions, the overwhelming feedback from sector is that the BSR's internal processes, lack of guidance, and limited capacity are the primary causes. Reforming the Gateway process to include early-stage feedback, exemplar submissions, and proportionate handling of low-risk works would help reduce delays and improve outcomes.

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## **6. Are the BSR's approval processes sufficiently clear and understandable to developers?**

No. The BSR's approval processes are widely viewed as unclear and inconsistent. Developers report:

- A lack of structured guidance or templates for Gateway submissions.
- Minimal feedback during the review process, even after significant delays.
- Uncertainty about what constitutes a compliant submission.
- No clear mechanism for pre-application discussions or early-stage review.

This lack of clarity has led to repeated redesigns, increased costs, and delays. It has also discouraged engagement with the process, particularly among smaller developers and managing agents.

While the BSR has begun to issue guidance notes and host seminars, these efforts are not yet sufficient to address the widespread confusion. Publishing anonymised examples of successful and unsuccessful submissions, clarifying documentation standards, and introducing pre-application engagement would significantly improve understanding and compliance.

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## **7. To what extent are delays caused by a poor understanding of building safety on the part of developers, leading to unsuitable applications? Should the solution to delays be a greater awareness of how to take a holistic approach to safety on the part of developers, rather than more prescriptive guidance on regulatory requirements?**

Developers, operators, and design teams are often left to interpret requirements without authoritative examples or case studies. This is particularly problematic at Gateway 2, where design assumptions are being challenged late in the process, leading to redesigns and delays. More proactive engagement, clearer documentation standards, and early-stage review mechanisms would be extremely beneficial in reducing this ambiguity.

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**8. The BSR has suggested that it would like to carry out its work on an organisation-by-organisation basis, rather than the current system of looking at things building-by-building. Would you support a move to the BSR focusing on organisations, or would this lessen their focus on the safety of individual buildings?**

N/A

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**9. To what extent are delays in approvals caused by the resources available to the regulator? Is there a need to give the BSR more funding, and if so, would developers accept an increase in regulatory fees to allow for this? Would more funding allow the BSR to deal with applications more swiftly, or is there a need to consider alternative financial models for delivering building safety approvals?**

N/A

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**10. Does the BSR have access to the skilled staff necessary to carry out multidisciplinary assessments of safety?**

There is strong evidence that the BSR currently lacks sufficient access to skilled professionals across key disciplines, including fire engineering, structural engineering, and building control. Concerns include:

- **Inconsistent feedback:** Reviewers often request information already provided, suggesting a lack of expertise or familiarity with the material.

- **Low salaries:** Public sector pay scales are not competitive, making it difficult to attract experienced professionals.
- **Over-reliance on subcontractors:** This dilutes oversight and creates inconsistency in assessments.
- **Lack of transparency:** Applicants are often unaware of who is reviewing their submissions or what standards are being applied.

To build trust and ensure effective regulation, the BSR must invest in a strong in-house technical team, improve training pathways, and engage more meaningfully with industry. Without this, delays and inconsistent decision-making will continue to undermine the regulator's credibility.

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### **11. How is the BSR progressing in improving the safety of all buildings, including low-rise buildings? Is the relationship between the BSR and building control authorities and inspectors working well?**

The relationship is still maturing. In some instances, the transition of oversight responsibilities from local authority building control to the BSR has led to confusion around roles and accountability. Building inspectors are often unclear on where BSR jurisdiction begins and ends, especially during transition periods.

The BSR has elevated building safety as a central concern across the sector. However, progress remains uneven, with mixed perceptions of the BSR and the role of Registered Building Inspectors (RBIs). Some stakeholders acknowledge the benefits of increased oversight, while others report inconsistencies in interpretation, delays, and practical challenges in implementation—issues that highlight the need for clearer guidance, more consistent application, and better communication.

There also appears to be underutilisation of experienced local authority building control officers and inspectors, which may have contributed to delays in the assessment process. Stronger collaboration between the BSR and existing building control bodies could help improve efficiency and maintain continuity of expertise.

While the primary focus so far has rightly been on Higher-Risk Buildings (HRBs), there is a risk that other projects—such as low-rise residential developments—receive comparatively less oversight. We believe that a more consistent, risk-based approach across all relevant building types is needed to ensure that important safety issues are not overlooked.

More structured collaboration, shared platforms for information, and co-developed guidance would strengthen the relationship and reduce duplication of effort.

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## **12. To what extent are delays a result of growing pains that will ease over time, or a structural problem that requires more significant changes? What improvements to the BSR's regulatory framework are needed?**

The relationship between the BSR and building control authorities is still evolving and currently marked by fragmentation and underutilisation of expertise. Key issues include:

- **Lack of coordination:** Roles and responsibilities are not clearly defined, leading to confusion and duplication of effort.
- **Underuse of experienced inspectors:** Local authority building control officers, who have valuable expertise, are not being fully integrated into the new regime.
- **Training gaps:** While the BSR is providing training, the pace of rollout and uptake remains slow.

Improved collaboration, shared digital platforms, and co-developed guidance would help align efforts and ensure a more consistent approach to building safety across the sector.

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## **13. How does the BSR's work relate to the regulation of construction products?**

The BSR's work is closely linked to construction product regulation, particularly through its scrutiny of product specification in Gateway submissions. This has improved accountability and reduced the risk of inappropriate substitutions, especially in critical assemblies like external walls.

However, the regulation of construction products remains fragmented. Designers often struggle to obtain reliable information from manufacturers, and there is no single regulatory body overseeing product safety. The BSR's role is limited to assessing how products are used in context, not certifying the products themselves.

Greater alignment between the BSR, the National Regulator for Construction Products, and initiatives like the Code for Construction Product Information (CCPI) would support safer, more transparent product use. A unified regulatory approach would also help close the gap between product specification and safety assurance.

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**14. How does the BSR’s regulatory framework compare to how building safety is assured in other countries and jurisdictions?**

The UK’s regulatory framework is among the most centralised and rigorous globally. Compared to countries like the US, Germany, and much of Europe, the BSR imposes more detailed oversight, particularly through the Gateway process, the Golden Thread, and duty holder accountability.

However, this rigour comes at the cost of complexity and delay. Other jurisdictions often rely on licensed professionals (e.g., architects in the US) to certify compliance, supported by clearer, more practical guidance. In contrast, the UK’s framework lacks standardisation and places heavy administrative burdens on applicants.

While the UK’s approach has the potential to become a global exemplar, it must overcome current operational challenges. Lessons from other countries—particularly around professional accountability, streamlined approvals, and integrated product regulation—could help refine the BSR model.