BPF RESPONSE TO MHCLG'S CONSULTATION ON IMPROVING PROPORTIONALITY AND SAFETY OUTCOMES IN BUILDING CONTROL: TELECOMMUNICATIONS WORK

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British Property Federation

The British Property Federation (BPF) is the voice of the real estate industry, which supports one in thirteen jobs across the UK, contributes around 5% (£110 billion) of UK GVA, and generates £14 billion in direct and indirect tax revenues each year. Our membership includes pension funds, institutional investors, developers and operators who invest for the long term in homes, workplaces and communities.

Our members are directly affected by the operation of the building safety regime. They are responsible for delivering and managing a significant proportion of the UK's Build to Rent, student accommodation and mixed-use developments, many of which fall within the higher-risk building regime and are subject to the Gateway process overseen by the Building Safety Regulator. Members are also heavily involved in the remediation of existing buildings with unsafe cladding and other fire safety defects.

This response reflects feedback from BPF members with direct, practical experience of higher-risk buildings, telecommunications installations and building safety compliance, including landlords, developers, operators and professional advisers.

1. General comments on the proposals

The BPF supports the government's objective of improving proportionality within the building control regime. Members recognise that, in practice, the current procedural requirements can be excessive for certain routine works, particularly those undertaken repeatedly across portfolios of existing buildings.

However, members raised three overarching concerns with the approach set out in the consultation.

First, the scope is too narrow. While the consultation focuses on telecommunications-specific works, the underlying issue is much broader. Penetrations through fire-resisting elements occur across a wide range of building services, including HVAC systems, fire alarms and other cabling. Addressing only telecoms risks creating inconsistency across similar activities and displacing the problem into other areas.

Second, the proposals risk creating a binary system. Members were clear that the current regime can be disproportionate, but removing procedural requirements entirely risks creating a lack of control, particularly given variability in contractor competence and record keeping across the sector. A more balanced approach is required.

Third, the consultation does not fully address cumulative risk. The principal safety concern is not individual works but the accumulation of multiple penetrations over time, often undertaken by different parties and poorly documented. Any reform must ensure that building-level oversight is maintained and that accountable persons retain visibility of what has been done to their buildings.

In summary, the BPF supports a more proportionate approach, but one that is:

- consistent across similar types of work

- based on risk rather than sector
- aligned with existing building safety management processes

2. Fibre optic cabling (Questions 1 to 26)

2.1 Proportionality of current requirements

Members consider that the current procedural requirements for drilling through fire-resisting internal walls are generally disproportionate to the nature of the work. Although such works engage important safety considerations, they are typically small-scale, routine and highly repeatable. In practice, the level of process required can create delay and friction that is not commensurate with the level of risk in each individual case.

However, members did not support the complete removal of procedural requirements. There was a consistent view that some level of oversight and documentation is necessary to ensure accountability and maintain a record of works undertaken. The issue is therefore not whether process should exist, but how it can be simplified and made workable in practice.

A key theme from members was that any alternative process must be straightforward and quick to complete. If compliance requirements take longer than the physical works themselves, particularly for smaller contractors, engagement will be low. A light-touch completion notification or standardised recording process was therefore seen as preferable, provided it is genuinely simple to operate.

2.2 Scope of the proposals

Members consider the proposed scope to be too narrow. Penetrations through fire-resisting walls are not unique to fibre optic cabling and arise routinely in relation to a range of other building services, including air conditioning, comfort cooling and fire alarm systems.

Restricting the dispensation to fibre optic cabling risks:

- creating inconsistency across similar works
- encouraging reclassification of works
- failing to address the broader issue

Members therefore support extending the approach to other comparable types of penetration, provided this can be clearly defined.

2.3 Safety and risk considerations

Members emphasised that the primary safety issue is not individual penetrations but their cumulative impact over time. Buildings may be subject to repeated interventions by different contractors, with varying

levels of competence and limited coordination. This can create uncertainty about the integrity of fire compartmentation and make it difficult to identify the source of defects.

In this context, risk is driven less by the number of penetrations and more by:

- the competence of those carrying out the work
- the quality of fire-stopping and making good
- the extent to which works are properly recorded

Members therefore cautioned against an overly prescriptive approach focused on numerical limits such as the number of holes. While factors such as hole size are relevant, regulation should prioritise proper installation and workmanship rather than arbitrary thresholds.

2.4 Conditions, competence and quality

Members support the application of conditions relating to competence, product standards and the timely completion of works, provided these are proportionate and clearly defined.

There was a consistent view that variability in contractor competence is a key risk factor. In some cases, operators may prioritise cost over quality in selecting contractors, which can affect the standard of fire-stopping and making good. Any dispensation must therefore be supported by appropriate safeguards in this area.

2.5 Notification, record keeping and golden thread

Members support the principle of a completion notification requirement as a proportionate alternative to prior approval. However, this must be simple, standardised and quick to complete. If notification processes become overly complex, there is a risk that compliance will be poor.

More broadly, members highlighted that as-built information and record keeping are already weak across the sector. In many cases, accurate records of penetrations and subsequent works do not exist or are not maintained. While this is a wider industry issue, any new regime should seek to improve visibility without imposing unrealistic requirements.

Members also emphasised the importance of ensuring that accountable persons retain visibility of works undertaken within their buildings. In practice, landlords can face difficulty obtaining adequate information from telecoms operators, and this should be addressed as part of any reform.

2.6 Interaction with occupation phase duties

Members suggested that these types of works may be more appropriately managed through building safety management systems and occupation phase duties, rather than through formal building control procedures.

This would:

- align with existing safety case requirements
- centralise responsibility at building level
- avoid duplication of regulatory processes

There was support for a model in which accountable persons oversee change control and maintain records, particularly for minor works in occupied buildings.

3. Mobile communication masts (Questions 27 to 46)

3.1 Definition and scope

Members were more sceptical of the proposals relating to mobile communication masts. A central concern was that "masts" do not represent a single, coherent category of work in risk terms.

In practice, installations vary significantly, ranging from relatively small rooftop units to larger structural interventions integrated into the building. These different types of installation have very different implications for structural loading, fire behaviour and compartmentation.

Members therefore consider that the category is insufficiently defined and may not be workable in practice. A more clearly defined, risk-based approach would be preferable.

3.2 Risk and proportionality

Members recognise that current procedural requirements may be disproportionate in some cases. However, they do not support a blanket approach to relaxing requirements for all mast installations.

The level of control required should reflect the nature of the installation and its interaction with the building. Some installations may be relatively low risk, while others require more detailed scrutiny.

3.3 Existing industry practice

Members noted that structural considerations are already routinely addressed as part of telecoms installation processes, with operators typically commissioning and funding the necessary assessments. This suggests that some aspects of risk are already being managed effectively within existing practice.

3.4 Conditions and information requirements

As with fibre installations, members support the application of conditions relating to competence, product standards and the provision of information to accountable persons, provided these are proportionate and clearly defined.

However, there were concerns about the realism of expectations around as-built information, given current industry practice.

4. Scope of proposals (Question 47)

Members strongly consider that the scope of the consultation should be revisited. The issues identified are not unique to telecommunications and reflect wider challenges associated with minor works in higher-risk buildings.

There was a view that government attention is currently focused on a relatively narrow issue, while more significant challenges relating to maintenance, repair and remediation remain unresolved. A broader and more consistent approach would be more effective.

5. Competent Persons Schemes (Questions 48 and 49)

Members expressed cautious support for the principle of competent persons schemes as a potential mechanism for managing low-complexity, repeatable works.

However, their effectiveness would depend on robust accreditation, monitoring and enforcement. Given the variability in competence across the sector, further evidence would be needed to determine whether such schemes would be appropriate in this context.

6. Additional information (Questions 50 to 53)

Members highlighted that the primary cost burden arises from disproportionate procedural requirements, which can in some cases exceed the time required to carry out the physical works themselves. At the same time, variability in contractor competence and the lack of reliable as-built information remain key risks.

7. Conclusion

The BPF supports the objective of improving proportionality within the building control regime and recognises the need to address the challenges associated with routine works in existing buildings.

However, the current proposals are too narrowly focused on telecommunications and risk creating inconsistency across similar types of work. They also do not fully address the cumulative nature of building safety risk or the need for building-level oversight.

A more effective approach would broaden the scope beyond telecoms, focus on penetrations and minor works more generally, and align with occupation phase duties and building safety management systems. Any revised approach should prioritise competence, quality and record keeping, while ensuring that building owners and accountable persons retain clear visibility and responsibility.

The BPF would welcome further engagement with government to develop a more coherent and holistic framework.