

SPF response to Scottish Building Regulations

Fire Safety Review and Compliance consultation

Submitted on 10 April 2026

1. SCOTTISH PROPERTY FEDERATION

The Scottish Property Federation (SPF) is the voice for the real estate industry in Scotland. As a part of the wider British Property Federation, we include among our members: property investors, including major institutional pension and life funds; developers; landlords of commercial and residential property; and professional property consultants and advisers. Our members build Scotland's workplaces, homes, shops, schools and other facilities and the infrastructure that serves them. Our industry is therefore a core component of the Scottish economy.

2. CONSULTATION OVERVIEW

The Building Standards Fire Safety Review & Compliance consultation seeks views on updating the fire safety technical handbook to strengthen compliance processes for High-Risk Buildings (HRBs). It aims to deliver clearer responsibilities, stronger verification, and better-quality assurance through structured pre-warrant planning, while maintaining development viability.

Main Proposals include

- Compliance Plan Approach: requiring in principle approval before HRB warrant registration, detailing quality management systems, self-certification procedures, and project-specific checks.
- Compliance Plan Manager: Named role responsible for plan execution, documentation collation, and verifier coordination.
- Verifier consolidation: Fewer specialist verifiers handling HRBs with dedicated technical expertise; 12-week minimum processing time.
- Digital submissions, proportionate evidence requirements, risk-based verification, and competency frameworks.

3. SPF'S POSITION

Our response draws on member insights (surveyors to insurers) for a holistic view, pushing flexibility, staged assurance, and genuine quality gains over tick box approach. This balances safety with Scotland's housing delivery needs. In our response we broadly

support these safety-focused reforms but prioritise pragmatic implementation. We also endorse the Compliance Plan concept, verifier expertise, and digital tools, while cautioning against fixed timelines (citing England's Gateway 2 delays) becoming standard lead times, even for simple cases. The Compliance Plan Manager should have clear protocols and coordinate between teams without creating process friction or development blockages.

4. OUR RESPONSE

Fire Safety - A general call for evidence on any aspects of fire safety guidance that requires new guidance and / or clarification

Consultation Question 1(a) **Are there existing fire safety topics and guidance within the technical handbooks that should be reviewed?**

Existing fire safety topics within the Technical Handbooks should be reviewed where experience shows uncertainty, inconsistent interpretation, or where current guidance no longer reflects how buildings are being procured, refurbished, and managed in practice. There have been instances where the definition has not been interpreted correctly, for example the definition of repair in the legislation is open to interpretation if a certain portion of the building's cladding gets repaired would you need to change the whole elevation. Clarity is need in treatment of existing construction in conversions, external wall detailing at junctions, and fire strategy documentation requirements. Local verifiers often seek additional clarification in these areas, which suggests the current text could be clearer about acceptable evidence standards and common design solutions.

Consultation Question 1(b) **What new fire safety topics should be included in the Technical Handbooks?**

The Technical Handbooks would benefit from standard templates for fire safety design summaries that remain usable through construction change control into occupation, alongside clear intrusive investigation protocols where existing construction records are incomplete, particularly for conversions and retrofit projects. Defined competence criteria for fire strategy authors and reviewers would reduce verifier disagreement, while golden thread documentation standards for higher-risk buildings would provide insurers with reliable underwriting evidence.

In relation to design criteria, new guidance topics should prioritise standardisation to address the interpretation issues identified in Q1(a), triggers should be established for when stay-put strategies become inappropriate and alternative evacuation measures are required, supported by practical sequencing guidance for fire-critical works with mandatory design change documentation. Standardisation across these

areas would significantly reduce the clarification requests and inconsistent application currently experienced with local verifiers.

Fire Safety- Legal status of the technical handbooks (guidance)

Consultation Question 2(a) Are the current mandatory standards and supporting guidance robust, effective and clearly understood to deliver the intended safety outcomes?

The current mandatory standards provide an established framework and Scotland already started from a more precautionary baseline than England in some areas of external wall fire performance. For taller residential, student accommodation, hotels, and mixed-use buildings, project teams regularly encounter questions about evidence thresholds and acceptable departures from standard guidance. This suggests the underlying safety outcomes are sound but the path to demonstrating compliance needs clearer definition. However, the supporting guidance is not always sufficiently robust or clearly understood in practice, especially where projects involve refurbishment, mixed-use assets, complex facades, or departures from simple prescriptive solutions. The issue is therefore less that the standards are absent, and more that interpretation, evidence thresholds, and practical application are not always clear enough to deliver predictable outcomes across the market.

Consultation Question 2(b) Are the mandatory standards and supporting guidance consistently applied to deliver the intended safety outcomes?

Our members have highlighted that there are clear inconsistencies in interpretation across local authorities and verifiers. Multiple instances exist where two verifiers assessing identical circumstances have reached opposing conclusions on compliance, creating significant uncertainty for developers operating across local authority boundaries. This variability undermines confidence in the building warrant process.

Consultation Question 2(c) Where should improvements be focussed when reviewing the mandatory standards and supporting guidance?

Priority areas for development include standard schedules of evidence required at warrant, interim inspection, and completion stages; worked examples showing acceptable solutions for common scenarios (office-to-residential conversion, podium/tower arrangements, hotel extensions); clarification of when fire engineering analysis is expected vs when prescriptive solutions suffice; and minimum content requirements for fire strategy documents. Guidance on cladding specification should address not just material classification (Euroclass ratings) but also whole wall system performance, interface detailing, cavity barrier installation,

and on-site verification requirements, given frequent market experience of verifier queries in these areas.

Fire Safety- Compartmentation / external fire spread and the stay put strategy

Consultation Question 3(a) Provide comments on risks with compartmentation in retrofit work (conversions) and the mitigation of these which may impact a Stay Put approach.

Public confidence in stay-put strategies has significantly eroded post-Grenfell, with many stakeholders acknowledging that occupants are unlikely to remain in place during a fire despite official guidance. This psychological reality must be reflected in updated guidance. In practice, compartmentation risks are acute in non-domestic to residential conversions and office shell-and-core developments. Tenant fit-outs routinely compromise fire-stopping through service penetrations, compartment wall modifications, and poor maintenance of cavity barriers. Projects frequently uncover discrepancies between as-built construction and original drawings, particularly regarding flat roofs, risers, and interface detailing. Mitigation requires intrusive investigation protocols before warrant applications, mandatory post-fit-out verification of fire-stopping integrity, and realistic upgrade triggers that recognise buildings evolve through tenant occupation rather than remaining static post-handover.

Consultation Question 3(b) Provide comments on risks with vertical fire spread on external walls breaching compartmentation which may impact a Stay Put approach.

Vertical fire spread on external walls can defeat compartmentation and directly undermine the credibility of a stay-put strategy if flames, smoke, or heat bypass the internal fire-resisting envelope. The principal risks arise at interfaces between cladding, insulation, cavity barriers, windows, balconies, and replacement facade elements. Test and certification requirements for cavity barrier installation are essential - current guidance focuses on material specification but lacks robust on-site verification protocols. Guidance should therefore place particular emphasis on complete wall-system performance, buildability, inspection and evidence of installation, not just nominal compliance of individual products.

Consultation Question 4 Do you consider current guidance on 'evacuation on alert' and evacuation alert systems to be effective and up to date?

Yes

Rate of fire spread and means of escape for vulnerable and disabled People

Consultation Question 5(b) Is the current guidance easy to understand and consistently applied?

The key issue is that staff are supported to have clarity on ownership of risk and responsibility in relation to fire spread, and especially where disabled are or supported people are concerned. This particularly affects multi-tenanted buildings where multiple parties must coordinate refuge areas, evacuation lifts, communication systems, and personal emergency evacuation plans (PEEPs). Standardised minimum requirements with explicit accountability would significantly improve both understanding and delivery. Responsibilities for inclusive evacuation remain unclear between designers, building owners, operators, and managing agents, leading to inconsistent outcomes across projects. This ambiguity results in late-stage design changes and over-reliance on future management arrangements that may not be secured or maintained. Clear guidance establishing defined ownership and responsibilities at each stage - design, construction, handover, and occupation - is essential to ensure consistent application and reduce uncertainty about who delivers what evacuation capability.

Consultation Question 5(c) What improvements or changes are needed in this area?

Please refer to 5(b)

1.1 Fire Safety- Fire Strategy / Fire Safety Design Summary

Consultation Question 6(a) Is the current guidance for fire strategies and fire safety design summaries effective and up to date?

Not sure

Consultation Question 6(b) Is the current guidance easy to understand and consistently applied?

No, needs updating. Our members have suggested that current guidance does not adequately reflect modern methods of construction including timber frame and modular buildings. Fire strategy documents remain static despite design changes during construction, creating gaps between approved design intent and as-built reality. The market requires mandatory update protocols and standardised minimum

content that addresses contemporary construction techniques and building evolution through tenant fit-outs and later alterations.

Fire Safety- Membership of the expert review group

Consultation Question 7(b) **Do the fire safety working groups communicate their findings effectively?**

Technical outputs reach industry but often after key design decisions are made. Earlier communication of likely changes (even as discussion papers) would help developers plan compliance strategies rather than reacting to completed guidance.

Fire Safety- Regulating the profession of fire engineering

Consultation Question 8 **Do you have any views or comments on the regulating of the fire engineering profession?**

Competency assurance for fire engineers is essential given increasing reliance on fire engineering judgement for complex buildings, but Scotland should build on existing structures rather than create parallel systems. The Institution of Fire Engineers (IFE) Scotland Branch already provides established professional accreditation through Engineering Council registration, with pathways to Technician, Associate, and Member grades. England and Wales experience shows formal certification can improve standards but risks driving up fees and constraining capacity. The UK Building Safety Act's principal designer requirements and third-party competence schemes demonstrate the benefits of clear accountability, but also create resource pressure on building control professions.

Rather than duplicating IFE accreditation, there can be a requirement to continue professional development records (similar to Chartered Building Surveyor annual requirements), establish competence registers for high-risk building work without new qualification barriers and link accreditation to insurance eligibility for fire-critical design work.

The priority must be practical competence verification that maintains specialist capacity without inflating professional fees or creating artificial barriers to market entry. Over-formalisation risks the English experience where certification pushes less capable practitioners out while competent engineers face unsustainable fee pressure.

Fire Safety - Simple omissions and issues for example outdated references that could maybe be resolved with early revisions

Consultation Question 9 Do you think there is a need for any other revisions of the technical handbooks and guidance (Section 2 Fire)?

Minor technical updates should not wait for comprehensive review cycles. For example, as mentioned in the previous answer, item 0.8.3 (repair definition) requires urgent clarification - the legislation remains open to interpretation, creating uncertainty over whether partial external cladding repairs trigger full elevation upgrades to current standards. Outdated references, unclear terminology, and known areas of frequent verifier queries (particularly around conversions and external wall systems) should be corrected promptly to reduce current market uncertainty and inconsistent application. Early targeted revisions would deliver immediate clarity without delaying broader guidance reform.

Compliance - The role of the Compliance Plan Manager in legislation

Consultation Question 10(a) Do you agree that the Compliance Plan Manager role requires duties and that corresponding offences should be set out in legislation?

The role needs statutory authority if it is to influence behaviour effectively and improve accountability between design intent and as-built reality (valued by insurers for ongoing compliance evidence). Maybe taking an example of England's principal designer role under the Building Safety Act, providing independent oversight of fire-critical elements. Duties must be clearly separated from existing responsibilities (Relevant Person, designers, contractors) to avoid overlap. Independence is essential but the role must remain attractive to competent practitioners.

Qualification should be clarified - likely a fire engineer or chartered building surveyor able to verify critical details such as cavity barrier installation, compartmentation integrity, external wall system interfaces, and MEP fire-stopping. The role would coordinate evidence collection from relevant professionals, ensuring all inspections are properly documented before verifier sign-off.

Legislation should carefully frame duties and offences so the role remains proportionate rather than becoming defensive or uninsurable, while delivering genuine improvement in construction quality assurance.

Consultation Question 10(b) Do you agree that local authority verifiers should be notified if the Relevant Person or their delegates do not act in accordance with the Building (Scotland) Act 2003 and the supporting secondary legislation?

Verifiers need visibility of material non-compliance by duty holders. The notification threshold should be objective (specific breaches of warrant conditions or statutory duties) rather than subjective. Clarity on escalation protocols to focus on genuine risk rather than routine reporting.

Compliance - Procedural principles of the Compliance Plan Approach

Consultation Question 11 Do you agree that non-domestic buildings with any storey at a height of more than 11 metres above the ground should be defined as a High-Risk Building?

A simple height threshold of >11m for all non-domestic buildings is too blunt an instrument. England and Wales use a more nuanced Higher Risk Building (HRB) classification combining height (>18m or 7 storeys) with sleeping accommodation for 3+ unrelated persons, explicitly excluding pure offices and commercial buildings without residential/hotel use.

Non-domestic examples illustrate why height alone fails:

Low-risk >11m: Pure offices, call centres, data centres (familiar occupants, business hours operation, no sleeping risk)

High-risk >11m: Hotels, student halls, care homes, hostels (sleeping risk, unfamiliar occupants, 24hr operation)

Mixed scenarios: Warehouses with mezzanine offices, shopping centres with attached hotels, entertainment venues

Scotland should adopt a matrix approach combining height, occupancy type, other risks, occupant familiarity rather than arbitrary height cut-offs. Office blocks over 11m present lower consequence than 6m hotels. Risk-based classification better targets regulatory effort where it delivers greatest safety benefit with least market disruption.

Consultation Question 12 Do you agree that enclosed shopping centres should be defined as a High-Risk Building?

We believe the more pertinent question is the quality and quality of fire exits as well as maintenance of alarms, extinguishers etc. If a shopping centre is not multi-level and is otherwise adequately served by emergency routes and exits, then the designation of high risk may not be required. Single-level shopping centres with adequate escape routes may not warrant high-risk status.

Enhanced oversight is justified for complex centres due to fragmented ownership (multiple tenants/freeholders), high occupancy density, and coordination challenges across common/demised fire safety systems. Mixed-use developments with residential/hotels above (example- St James Centre, Westfield etc) clearly require HRB treatment where shopping areas form part of overall evacuation strategy. Pure retail centres present lower consequence than attached sleeping accommodation. Risk-based criteria assessing occupancy, escape strategy complexity, and ownership fragmentation better targets regulatory effort than automatic designation.

Consultation Question 13 Do you agree entertainment venues such as theatres, concert halls and arenas should be defined as a High-Risk Building?

Again, as with our answer to Q12 we feel the more pertinent issue is the provision of exits and maintenance of alarm and extinguishers. However, the propensity for higher number so people in small spaces at times of use suggest a higher standard of fire safety preparation (and prevention) than would be required for other non-domestic properties.

Scale should reflect venue density and evacuation challenge rather than blanket designation - large arenas with 20,000 attendees require different measures than small theatres seating 200. Enhanced oversight justified for high-occupancy venues where unfamiliar circulation, event-based operation, and simultaneous egress create acute risks. Proportionate approach maintains regulatory focus where consequence is genuinely elevated.

Compliance - Compliance Plan: Pre-warrant Stage

Consultation Question 14(a) Do you agree with the proposed minimum 12-week timescale for submission to a verifier of an Application for Compliance Plan in Principle for a High Risk Building?

We support it, but it should not become the standard lead times even for straightforward cases. The longer the timescales it causes more uncertainty and impact project viability. We have also heard from insurers note that without clear guidance and realistic timescales, CPA risks adding pre-commencement delay without improving underwriting confidence.

Consultation Question 14(b) Do you agree that a verifier should only register a building warrant for a High Risk Building after a Compliance Plan in Principle has been issued?

Fixed 12-week minimums risk becoming standard lead times even for straightforward cases. Gateway 2 experience down south demonstrates how good intentions create delivery blockages when processes lack clear criteria and reliable turnaround times. The Compliance Plan should outline named Compliance Plan Manager responsibilities, project-specific quality systems, self-certification protocols before verifier inspections, and accessible documentation for local authority verifiers. Insurers caution that without defined evidence standards. CPA introduces process friction without corresponding underwriting confidence or safety improvement. Variable timescales linked to project complexity, supported by published service standards, would better balance certainty with flexibility while delivering genuine construction quality assurance.

Compliance - Compliance Plan: Re-inspection of non-compliant work

Consultation Question 15 Should projects that request a site visit without first ensuring compliance through their own checks pay an extra, reasonable fee for reinspection?

We recognise repeated compliance failures impose genuine costs on local authorities, but the key question is defining what constitutes a "reasonable fee" - the charging framework must be transparent, proportionate to the verifier's actual time/cost, and exclude genuine complex cases requiring clarification or staged inspection. Published fee schedules and appeal mechanisms would ensure fairness while maintaining the quality control incentive. Self-certification before verifier inspection should be the norm under the Compliance Plan Approach. A reasonable reinspection fee is fair for repeated visits where projects fail to demonstrate adequate preparation, reinforcing quality assurance responsibility and discouraging avoidable verifier time on clearly incomplete work.

Compliance - Legislation

Consultation Question 16 Do you agree that legislation is required to give full effect to the Compliance Plan Approach and role of the Compliance Plan Manager for High Risk Buildings?

Secondary legislation preferred to allow the flexibility of refinement and also maintain a statutory authority. Insurers see potential long-term insurability benefits from clearer accountability, but immediate pricing impact unlikely without proven evidence improvement.