# Building Safety Regulator commits to clearing legacy Gateway Two backlog by January 2026 amidst growing industry concerns



The Building Safety Regulator (BSR) has announced plans to clear its backlog of legacy Gateway Two building control applications by January next year. This backlog, comprising 91 legacy cases from a scrapped franchised multidisciplinary team (MDT) model, covers some 21,745 new-build homes, including 51 developments in London. The BSR expects decisions on the majority of these applications by the end of November, with the full clearance scheduled for January 2026. The regulator attributes the delays to issues such as staff availability, the complexity of some cases, and the need for additional information from applicants or the BSR itself. The organisation has rolled out a tailored plan aiming to tackle specific obstacles within each application, deploying resources swiftly to respond to emerging challenges.

Despite this progress, the BSR continues to manage a significant volume of applications, processing over 400 new-build and remediation Gateway Two requests overall. Currently, 152 live new-build applications remain active, representing more than 33,600 housing units. The BSR's central Innovation Unit, established last August to accelerate new-build Gateway Two applications through internal MDTs, is handling 27 applications on schedule within the statutory 12-week timeframe. Notably, none of the applications have yet required referral to the statutory fire and rescue consultation process.

In parallel, remediation applications remain steady, with new submissions broadly matching the number of decisions. However, the existing MDT model has been deemed ineffective for legacy remediation cases. Plans are underway to establish a centralised remediation unit aimed at boosting progress, accompanied by discussions with Homes England to enhance coordination. Additionally, a new batching system introduced in September has expanded capacity for processing remediation cases, with an initial pilot batch dispatched to engineering service suppliers and further regular dispatches planned according to available capacity.

The BSR’s commitment to resolve the backlog comes amid persistent industry concerns about delays and their broader impact on construction timelines and the housing market. According to industry data reported by the Federation of Master Builders, since the new regulations took effect in October 2023, approval rates at Gateway Two have been low, with only around 31% of applications being approved overall and just 23% for new builds. Many applications fail due to insufficient details, non-compliance with legal requirements, design issues, or lack of clarity on construction phase management and safety protocols like the Golden Thread. The average approval times far exceed the statutory 12-week limit, with new build applications taking on average 36 weeks—three times longer than intended.

These delays are not only frustrating for developers but are also having a tangible impact on the construction sector’s supply chain. Specialist contractors in demolition and foundations have warned of job losses as projects stall while awaiting Gateway Two approvals. Reports indicate that only a tiny fraction of high-risk building projects have cleared Gateway Two since the regulations’ introduction, with many large schemes stuck in the system for extended periods. This bottleneck risks undermining the government’s housing delivery targets and has caused financial institutions to reconsider their exposure to stalled developments. Some banks have reportedly scaled back lending in the high-risk residential market due to the uncertainty caused by ongoing regulatory delays.

The situation has attracted scrutiny at government levels. The House of Lords has launched an inquiry into the BSR’s performance in managing the Gateway Two approval process, highlighting that only 2.4% of applications are being approved within the statutory 12 weeks. Approval rates have declined steeply since 2023, and backlogs are growing, contributing to developer frustration and calls for urgent reform. Industry bodies like the Fire Industry Association have called the current processes “overly complex and inefficient,” urging the BSR to review its procedures and guidance to avoid further delays. Clearer advice on the expected level of design information and a more phased approach to submissions could reduce wasted effort and help accelerate approvals.

Developers have voiced wide-ranging concerns over the clarity and practicality of the Gateway Two requirements. There is confusion about the extent of design detail required, with some being told full construction issue designs are needed at the approval stage, disrupting standard procurement and development models. This confusion leads to uncertainty and costs for developers, who fear they may need to scale projects down or avoid higher-rise developments to circumvent onerous regulatory processes.

The BSR maintains that the new gateway procedures, introduced after the Grenfell tragedy, are critical to raising building safety standards. Its chair, Andy Roe, has previously warned that failure to clear the backlog risks losing the confidence of the building sector entirely. The regulator has committed to working closely with industry to achieve timely approval of building control applications and ensure safe, compliant completions of high-risk buildings.

In summary, while the BSR is taking active steps to address the legacy backlog at Gateway Two and improve processing times for new and remediation applications, significant challenges remain. The delays continue to hamper housing delivery, increase costs, and threaten jobs in related sectors. Comprehensive reform and clearer guidance, along with improved communication and resource deployment, remain essential to restoring developer confidence and meeting the regulatory safety goals intended to protect residents in higher-risk buildings.

### 📌 Reference Map:

* Paragraph 1 – [[1]](https://www.constructionnews.co.uk/buildings/building-safety/gateway-two-backlog-set-to-be-eliminated-by-january-20-10-2025/)
* Paragraph 2 – [[1]](https://www.constructionnews.co.uk/buildings/building-safety/gateway-two-backlog-set-to-be-eliminated-by-january-20-10-2025/)
* Paragraph 3 – [[1]](https://www.constructionnews.co.uk/buildings/building-safety/gateway-two-backlog-set-to-be-eliminated-by-january-20-10-2025/), [[2]](https://www.thefis.org/2025/07/17/new-gateway-two-statistics-published/)
* Paragraph 4 – [[3]](https://www.constructionenquirer.com/2025/02/03/piling-jobs-at-risk-over-safety-regulator-project-delays/), [[6]](https://www.constructionenquirer.com/2025/01/30/over-800-high-rise-resi-jobs-stalled-by-safety-regulator/)
* Paragraph 5 – [[4]](https://www.constructionenquirer.com/2025/04/22/safety-regulator-misses-deadline-to-clear-gateway-2-backlog/), [[6]](https://www.constructionenquirer.com/2025/01/30/over-800-high-rise-resi-jobs-stalled-by-safety-regulator/)
* Paragraph 6 – [[5]](https://www.estatesgazette.co.uk/news/house-of-lords-launches-inquiry-into-building-safety-regulator/), [[2]](https://www.thefis.org/2025/07/17/new-gateway-two-statistics-published/), [[6]](https://www.constructionenquirer.com/2025/01/30/over-800-high-rise-resi-jobs-stalled-by-safety-regulator/)
* Paragraph 7 – [[6]](https://www.constructionenquirer.com/2025/01/30/over-800-high-rise-resi-jobs-stalled-by-safety-regulator/), [[7]](https://www.trowers.com/insights/2025/february/delay-risk-with-the-building-safety-act-gateways-and-how-to-manage-legally-and-commercially)
* Paragraph 8 – [[1]](https://www.constructionnews.co.uk/buildings/building-safety/gateway-two-backlog-set-to-be-eliminated-by-january-20-10-2025/), [[6]](https://www.constructionenquirer.com/2025/01/30/over-800-high-rise-resi-jobs-stalled-by-safety-regulator/)

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## Bibliography

1. <https://www.constructionnews.co.uk/buildings/building-safety/gateway-two-backlog-set-to-be-eliminated-by-january-20-10-2025/> - Please view link - unable to able to access data
2. <https://www.thefis.org/2025/07/17/new-gateway-two-statistics-published/> - The Federation of Master Builders (FIS) reports that the Building Safety Regulator (BSR) has published its first set of quarterly management information data on the Building Control Approval process for Higher-Risk Buildings (HRBs) at Gateway Two. The data, covering the period October 2023 to March 2025, shows that there have been a total of 2,108 applications, with almost half (1,019) still awaiting a decision. Of the applications where a decision has been made, 31% were approved and 69% were invalid, rejected, or withdrawn. The approval rate for new build applications is lower at just 23%, with 77% invalid, rejected, or withdrawn. Between January and March 2025, it took the BSR on average 25.1 weeks to approve an application, but new build applications took longer at an average of 36 weeks, three times the statutory 12-week timeframe. The BSR has confirmed that the number of decisions has doubled month-on-month since March, and the new Innovation Unit will focus on fast-tracking new build applications through the process. The BSR has also provided data on why applications have been rejected. For new build applications, 73% did not meet the legal requirements for work on new HRBs, 73% did not contain sufficient detail, 45% set out work which would contravene Building Regulations, and 27% did not adequately set out how changes would be managed through the construction phase. Other reasons for rejection included not adequately setting out how the project would satisfy the requirements for the Golden Thread and Mandatory Occurrence Reporting. To help members navigate the new regime, Build UK has published an overview of Gateway Two and the documents that must be included within an application, as well as detailed guidance on the Golden Thread and Mandatory Occurrence Reporting. The BSR is hosting two webinars to provide practical support on the process of applying for Building Control Approval. The first on Tuesday 22 July from 10:00am – 11:00am is aimed at developers and will focus on new build HRBs, whilst the second on Thursday 24 July from 10:00am – 11:00am is intended for Principal Accountable Persons (PAPs) and will set out the appropriate level of information required.
3. <https://www.constructionenquirer.com/2025/02/03/piling-jobs-at-risk-over-safety-regulator-project-delays/> - Specialist demolition and foundation contractors are warning job cuts loom as work dries up because developers are struggling to get clearance to start construction. Since the introduction of the new regulatory framework in April 2024, only a handful of high-risk building (HRBs) projects have cleared the approval system known as Gateway 2. Now the Federation of Piling Specialists has added its voice to calls on government to urgently address delays being caused by the Building Safety Regulator approval process. Around 92 new build high-risk building projects are in the system awaiting approval. A further 18 applications have been invalidated or rejected by the Building Safety Regulator. Just two new build projects are understood to have cleared the Gateway 2 hurdle in the last year. The logjam is most acute in London and other urban areas, where projects over seven storeys are stalled, creating a ripple effect across the geotechnical, demolition, and construction supply chains. The regulator is supposed to clear applications in 12 weeks although project timelines are extending as far as 40 weeks, particularly on big new build schemes.
4. <https://www.constructionenquirer.com/2025/04/22/safety-regulator-misses-deadline-to-clear-gateway-2-backlog/> - Latest figures reveal that over two-thirds of Gateway 2 applications transferred to the BSR last autumn remain unapproved, despite earlier assurances from officials that the logjam would be resolved by now. The delays are beginning to impact project financing, with banks pulling back from the high-risk building sector. One bank told the Enquirer it had been forced to reassess its exposure to schemes stuck in the approval process. With these delays holding up projects, we’ve reassessed our risks and, like other banks, are stepping away from the high-rise residential market. There are simply easier, less risky investment options elsewhere. The backlog stems from the withdrawal of private building control firms Assent Building Control and AIS Surveyors last autumn, which resulted in 45 in-flight applications being handed to the BSR. These complex schemes were blamed for creating the bottleneck in Gateway 2 approvals needed to start construction. In February, Philip White, HSE Director of Building Safety, told the Enquirer that the backlog would be cleared by April. However, more than six months later, only 14 of the 45 projects have been approved. A further 10 projects seek Gateway 3 approval—required before occupation—but just one has been cleared.
5. <https://www.estatesgazette.co.uk/news/house-of-lords-launches-inquiry-into-building-safety-regulator/> - The House of Lords has launched an inquiry into the Building Safety Regulator (BSR) following concerns over its performance in managing the Gateway 2 approval process. Data analysis revealed that the BSR has approved just 2.4% of Gateway 2 applications within its statutory 12-week time frame since new regulations came into effect in October 2023. This figure underscores developer frustration over regulatory bottlenecks. While the BSR has approved 20.8% of all Gateway 2 applications to date (including those approved late), the percentage of approvals has sharply declined—from 44.9% in 2023 to 23.9% in 2024, and 1.5% in 2025 as of the end of April. Since November 2024, only one application has been approved on time. Just two applications were rejected in April 2025, suggesting a growing backlog of unresolved cases. Critics argue the slow pace of decisions is stalling development pipelines and undermining confidence in the new regulatory regime.
6. <https://www.constructionenquirer.com/2025/01/30/over-800-high-rise-resi-jobs-stalled-by-safety-regulator/> - Frustrated developers warn the logjam in sign-offs to start building is now threatening to undermine the Government’s housing delivery and growth drive. According to latest figures obtained from a Freedom of Information request from consultant Project4, over 90 major new-build projects are stuck in a bottleneck awaiting Gateway 2 design approval to start work. Just 11 new-build jobs are reported to have cleared Gateway 2 checks, although only two of these are understood to have passed through the present checking regime. The delays are also holding up retrofit works on over 600 existing High-Risk Buildings (HRB) classified as over seven storeys or 18m. The Building Safety Regulator (BSR) has come under fire for wasting time, increasing costs, and stalling important projects. Developers complain they are having to grapple with unclear submission requirements, limited pre-submission consultation, and poor communication. One developer told the Enquirer: We’re still waiting for sign-off on a scheme submitted 40 weeks ago, compared to the 12 weeks turnaround for applications quoted by the regulator. Frankly, it’s a struggle to communicate with the regulator or the outsourced registered building control approver. We’re completely in the dark about what is happening. Another developer warned: There is widespread confusion about what level of design is required for Gateway 2 applications. Some say RIBA 4 design, then we are told it must be full construction issue works detail. There is clearly no understanding of how the industry works. Industry procurement models would need a fundamental change to fall into line with these requirements. It basically means all specialist contractor detailed designs need to be fixed at pre-construction. Some developers are now said to be looking at the possibility of reducing the height of planned projects to avoid the regulatory process. Trade body, the Fire Industry Association, supports the thrust of the Building Safety Act, but is also deeply concerned about delays to HRB projects. It describes processes as ‘overly complex and inefficient” and has called on the BSR immediately to review processes, procedures and guidance. This is an urgent issue, it is holding back the commencement of construction of HRBs, warns an FIA statement. This situation is counter to the accepted need for new housing stock and will significantly impact parts of the country where residential construction is predominantly HRB (rather than lower rise) such as cities. The association echoed calls for further guidance on the extent of design information required to reduce the wasted time and effort incurred by design teams and the BSR in submitting and reviewing designs that are at an inappropriate design stage. The association also wants to see a stepped process of design submission to give developers confidence to develop full detailed designs for approval. A spokesperson for the Building Safety Regulator said there had been an issue with the standard of applications being submitted. We are dedicated to working with industry to achieve timely approval of building control applications and safe and compliant HRB project completions. The new gateway processes brought in following the Grenfell Tragedy are a key control to raise safety standards in buildings.

7. <https://www.trowers.com/insights/2025/february/delay-risk-with-the-building-safety-act-gateways-and-how-to-manage-legally-and-commercially> - The new Building Safety Regulator (BSR) replaced the previous building control approval body for all Higher-Risk Buildings (HRBs) in England and is tasked with enforcing safety standards and overseeing the entire built environment. Gone too are the private sector, 'approved inspectors', so that now there is a clear separation between the builder and regulator; with developers no longer being able to choose the building control body they use or appoint a building control. A cornerstone feature of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (Building Regulations) is a requirement for all HRBs to be registered with the BSR. All projects involving HRBs must now navigate three critical safety checkpoints, known as Gateways. This means that approval is required at the planning stage (Gateway 1), before building work can commence (Gateway 2) and before a building can be certified complete and occupied (Gateway 3). This process is designed as a 'hard stop' point until approval is received. But when the detail of these Building Regulations were released, it immediately sounded alarm bells for developers; who for years had already battled with long delays through the planning process. And indeed, whilst the Building Regulations committed the BSR to determination of: Gateway 2 applications within 8 or 12 weeks and Gateway 3 applications within 8 weeks, the reality for Gateway 2, as of