



Construction and Building Safety Insight

A Brief Overview Vol.2

Welcome to the next edition of the Construction SIG's Brief Overview series, a round up of recent key events within the construction and building safety sectors.

Remediation Contribution Orders

The Upper Tribunal has recently handed down its decision in the 'Vista Tower' dispute: *Edgewater (Stevenage) Limited and Others v Grey GR Limited Partnership [2026] UKUT 18 (LC)*.

This appeal focused once more on Remediation Contribution Orders ("RCOs") under S.124 of the Building Safety Act 2022 ("BSA"). Vista Tower, a high rise residential building in Stevenage, was found to contain serious fire safety defects following post Grenfell investigations, leading the First Tier Tribunal ("FTT") to order more than 70 corporate entities associated with the developer to contribute over £13m towards remediation.

The decision to dismiss the appeal, on all grounds, provides further, clear, guidance on the interpretation of the BSA and in particular RCOs.

The key findings are summarised as follows:

- ✔ **Joint and several RCOs are permissible** - where it is just and equitable to do so S.124 of the BSA is deliberately flexible.
- ✔ **The "just and equitable" test is very wide** - 'association' within the developer's corporate structure can be sufficient.
- ✔ **"Building safety risk" is broad and not threshold based** - S.120 defines a building safety risk as "a risk", with no qualifying threshold such as "intolerable", "significant" or "above-low".
- ✔ **Remediation costs were reasonable** - there were no grounds for the appeal courts to interfere with FTT's findings of fact.

Following the Supreme Court's decision in URS, (link to our article from last year is below), the courts are continuing to interpret the BSA in broad and purposive terms, with a view to facilitating the aims of improving building safety and holding to account those that are responsible for building safety defects.

- **Supreme Court hands down its first judgment on the Building Safety Act 2022**

The wide definition of a "building safety risk" in this case is consistent with an earlier decision of the FTT in *Secretary of State for Housing and Communities and Local Government v Canary Riverside Estate Management Limited & Others*. In that case, the Tribunal found that a risk arising from the spread of fire within the meaning of S.120 encompasses not just a fire in and of itself, but the risk arising from the flames, heat, light, gases, and smoke generated from burning material.

In view of the developing case law, it seems clear that the wide definition of "building safety risk" and other provisions of the BSA, will have potentially far-reaching consequences for building owners, developers and insurers.



Building Safety Regular (BSR) Becomes a Standalone Body

As of 27 January 2026, the BSR is no longer part of the Health and Safety Executive (“HSE”) and is an independent body that shall report directly to the UK Government:

- [BSR becomes standalone body in landmark step towards single construction regulator - GOV.UK](#)

The BSR’s move from the HSE to an arm’s-length body under the Ministry of Housing, Communities and Local Government, paves the way for the creation of a single construction regulator – a key recommendation of the Grenfell Tower Inquiry.

Building Safety Regulator’s First Injunction

Health and Safety Executive v Integritas Property Group Ltd (IPG) [2025] EWHC 2613

Judgment can be found here:

- [Health and Safety Executive v Integritas Property Group \(IPG\) Ltd | Accessible Version | Practical Law](#)

On 12 August 2025, the TCC granted the BSR its first mandatory interim injunction, preventing occupation of a newly constructed block of student accommodation in Staffordshire. The BSR took this action because the owner had failed to rectify various fire safety defects and instead had marketed the property without obtaining a completion certificate which is required under the Gateway Regime applicable to HRBs (Higher-Risk Buildings). Up to 230 students were placed at risk of losing accommodation until the owners secured the necessary approvals.

While only an interim injunction at this stage, the decision confirms the BSR’s authority under the BSA and related legislation to intervene where Dutyholders seek to occupy buildings without meeting statutory requirements. It signals a firmer enforcement stance with the BSR being “given teeth” to take robust action.

The decision also highlights the significant legal and commercial risks associated with non compliance, while the fire safety defects noted in the judgment could lead to claims against contractors and consultants for rectification and delay related losses.

From a coverage perspective, such losses are likely to be considered as purely economic and fall outside the scope of cover under standard PL policies. However, insurers will appreciate that significant remedial works to an HRB following an insured event are also likely to be subject to the Gateway Regime. Therefore, delays seeking the necessary approvals during remedial projects could well increase insurers’ exposure for alternative accommodation costs.

Construction Products Reform White Paper

The UK Government has recently published its Construction Products Reform White Paper and opened further consultation on expanding existing safety requirements for construction products:

- [Construction Products Reform White Paper - GOV.UK](#)
- [Consultation open on Construction Products Reform White Paper Fire Protection Association](#)

Key proposals from the White Paper include:

- ✓ General Safety Requirements (GSR) for all products
- ✓ Retain consistency with the EU’s new construction product regulation ((EU) 2024/3110)
- ✓ Enhanced requirements for products critical to safe construction
- ✓ Improved product information, labelling and transparency
- ✓ Single construction regulator
- ✓ Enhanced powers for enforcement, intervention and sanctions
- ✓ Improving legal routes to redress for faulty products

The consultation period under the White Paper runs from 25 February 2026 to 20 May 2026.

The creation of a new direct cause of action against manufacturers and suppliers of defective construction products was another key component of the BSA. We have already seen developing case law on other aspects of the BSA; it is surely only a matter time before we start to see decisions in this arena.

It seems likely that the tightening of the regulatory regime will improve product safety as well as assisting claimants in advancing claims where products come to market that do not meet the enhanced standards.

Building Research Establishment Launches the New PV Fire Intelligence Network

Following on from safety concerns identified with Battery Energy Storage Systems (BESS) in our vol.1 article, recent data indicates a significant increase in fire incidents linked to solar photovoltaic ("PV") systems in the UK, with reports of a 60% rise in solar related fires between 2022 and 2024. This trend has heightened industry concern regarding installation quality, system performance and the adequacy of current risk assessment methodologies. Accordingly the BRE has established an industry network with the aim of making solar PV systems safer:

➤ BRE establishes collaborative industry network with essential aim of making solar PV systems safer

A significant number of newbuilds have integrated solar PV systems installed on the roof, so this is an increasingly important issue for homeowners and insurers alike. The BRE's initiative is therefore to be applauded.

The Construction SIG has experience of advising clients on a range of issues and topics as covered above. Should you require assistance or advice please get in touch.



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