

BS9991:2024 CLC Advisory Note

Published 17 March 2025

1. Introduction

- 1.1. This advisory note has been developed for those seeking to understand how to prepare or assess building control approval applications (BCAA) for higher-risk buildings (HRBs), where an update to existing technical industry guidance has been issued by the publishing body.
- 1.2. This note focusses upon the recently published BS 9991:2024 and discusses operational considerations for both building control applicants and relevant approval bodies, including the multi-disciplinary teams (MDT) working on behalf of the Building Safety Regulator (BSR).
- 1.3. The advisory note should be read in conjunction with a [letter](#) to the CLC from the BSR. The letter sets out the approach of the Regulator to BS 9991:2024 in its role as a building control authority for HRBs in England.

2. Background & Context

- 2.1. In November 2024, the British Standards Institution (BSI) published an updated version of BS 9991:2024 - Fire safety in the design, management and use of residential buildings. Code of practice [BS 9991:2024 | 27 Nov 2024 | BSI Knowledge](#).
- 2.2. The update supersedes the previous (2015) version of BS 9991 which was completed following an industry consultation held in 2020-2021.
- 2.3. BS 9991 is commonly used during the design of residential buildings, particularly high-rise residential buildings, as an alternative to adopting either statutory guidance or other available fire safety design approaches.
- 2.4. Since the publication of BS 9991:2024, questions have been raised on how BCAA can suitably and sufficiently demonstrate compliance with the functional requirements contained in the building regulations (relating to fire safety), and how building control bodies (including MDT's assessing applications for HRBs) should consider designs that have been either developed on or adopted the superseded 2015 version.

BS9991:2024 CLC Advisory Note

3. Statutory Guidance & British Standards

- 3.1. Statutory guidance is guidance which has an identifiable basis in law, such as Approved Documents. In England, Approved Documents are published by the 'appropriate national authority' (currently the Secretary of State for Housing, Communities and Local Government, in conjunction with the BSR) under Section 6 of the [Building Act 1984](#).
- 3.2. Approved Documents, in effect, set out the Secretary of State's view from which a credible evidence base can be developed to demonstrate compliance with the functional requirements of building regulations, as detailed in Schedule One of [The Building Regulations 2010](#) (as amended). Approved documents are **not** the building regulations, however, they do provide practical guidance for common building situations, on potential ways to achieve compliance.
- 3.3. Following the recommendations contained in British Standards, with the exception of a small number directly cited in law, is voluntary. They provide good practice guidance produced by industry, for industry. Unlike Approved Documents, they do not have a statutory basis but are developed through a robust, consensus driven process, including periods of open public consultation.
- 3.4. Unlike Approved Documents, British Standards are not normally published under 'transitional arrangements', which are typically applied to allow industry to prepare for a new legal requirement or regulatory provision.

4. Appropriate Use of British Standards

- 4.1. There is typically, no legal requirement to 'comply' with a British Standard or indeed an Approved Document. The legal basis for compliance for a BCAA are the functional requirements of building regulations, as detailed in Schedule One of [The Building Regulations 2010](#) (as amended).
- 4.2. Under the building control regime for HRBs, building control applicants are required to demonstrate **which** design codes they have used, and **why** they are appropriate for their design.

BS9991:2024 CLC Advisory Note

- 4.3. British Standards are not published on the basis that full compliance with their recommendations is a pre-requisite for any claim of conformity with the functional requirements. In many cases, and for a variety of reasons, concessions and derogations are sought from recommendations made in British Standards, as duty holders and design teams develop a safe, robust and evidence-based claim of compliance to building regulations. However, designers also need to be aware of the potential risks in creating a situation where any part of a standard is not fully followed, as this could have a negative effect on other provisions. This principle should be recognised and applied by building control applicants and BCBs alike.
- 4.4. In fire safety design, and fire engineering specifically, there are a range of qualitative and quantitative methods that are readily deployed when seeking to derogate from a recommendation made in a British Standard. In these scenarios it is incumbent upon the fire engineer and duty holder to make explicitly clear **what** has been done and **why** it has resulted in a safe and compliant design.

5. Planning Gateway One

- 5.1. When preparing a planning application that is required to go through planning gateway one, applicants are required to submit a Fire Statement.
- 5.2. Whilst the focus of the assessment is upon the legal requirements under the [Town and Country Planning Act 1990](#); the Health and Safety Executive, acting as the statutory consultee for the local planning authority, readily offer advice that may have an impact at Gateway 2.
- 5.3. Attention is drawn for the requirement to record through the Fire Statement **which** fire safety design guidance will be adopted during the subsequent design phase following confirmation of planning approval. This commitment should be referenceable throughout the design, including addressing any amendments to building regulation functional requirements and or updates to design codes. The commitment and or amendment to the fire safety design approach taken should be captured as part of the golden thread. Additional guidance on the golden thread can be found at [CLC Guidance - Delivering the Golden Thread](#).

BS9991:2024 CLC Advisory Note

- 5.4. Planning applications being prepared for submission from the date of publication of this advisory note (and intending to adopt the recommendations of BS 9991 for their fire safety design) should do so using the current (2024) version only.

6. Gateway Two Submissions Adopting BS 9991:2015

- 6.1. It is not appropriate to knowingly adopt superseded guidance for the design of HRBs, or buildings currently outside of the regulatory regime for HRBs.
- 6.2. However, it is recognised that some schemes will have developed their design in the period preceding the updated publication of BS 9991:2024, and may have adopted the recommendations made within BS 9991:2015.
- 6.3. It is not a requirement for those schemes to undertake a fundamental redesign of their schemes on the basis of the updated publication and inclusion of additional measures.
- 6.4. However, so far as is reasonably practicable, building control applicants are encouraged to consider the updated recommendations made in BS 9991:2024. Following this assessment, applicants should demonstrate **how** their design remains compliant with the relevant functional requirements of the building regulations.
- 6.5. In addition, a conclusion of that assessment should be presented by the applicant, with an affirmative statement of compliance to Part B of Schedule One of the Building Regulations 2010 (as amended).
- 6.6. MDTs assessing building control approval applications made using the 2015 standard will make their assessments against building regulation functional requirements.

7. Summary

- 7.1. Building control applicants and MDTs should be mindful that competence remains at the heart of the new building control regime for HRBs. The use and assessment of the application of supporting voluntary guidance requires an appropriate level of skill, knowledge, experience and behaviour.

BS9991:2024 CLC Advisory Note

- 7.2. Building control applicants are required to **clearly demonstrate** regulatory compliance. This requires confident, assertive statements of fact setting out clearly **how** and **why** the design being submitted is compliant to the functional requirements.
- 7.3. In summary, when adopting recommendations made within BS 9991:
- 1) Planning applications made from **the date of publication of this advisory note**, intending to adopt the recommendations made within BS 9991, should do so using the relevant recommendations made within BS 9991:2024
 - 2) Building control applications made at Gateway 2 where the scheme has previously progressed a design using BS 9991:2015, prior to the publication of BS 9991:2024, are required to clearly state **how** the building work remains compliant to Part B of Schedule One of the Building Regulations and **why**. Applicants are encouraged to demonstrate that relevant recommendations from BS 9991:2024 have been assessed and adopted where reasonably practicable to do so.
 - 3) From **30th Sept 2026** BCAA at Gateway 2 that have adopted the recommendations made within BS 9991 should use BS 9991:2024 if intending to adopt the recommendations made within this British Standard.

This advisory note has been published by the Construction Leadership Council and was developed in conjunction with the Building Safety Regulator, British Standards Institution, National Fire Chiefs Council and Local Authority Building Control.

It was authored by the Chair of FSH/0 Fire & Built Environment Sector Policy and Strategy Committee for BSI [British Standards Institution - Committee](#).

Disclaimer: This publication has been issued by the Construction Leadership Council (CLC) for general information only and is not intended to provide advice or guidance on specific issues or projects. The CLC accepts no liability for any loss or damage incurred by any person as a result of reliance on this guidance. If you require advice on a specific issue or project, you should seek your own competent professional advice.