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SHIELDING THE **BOTTOM LINE**

De-Risking Infrastructure Handover and the Extended Liability
of the Building Safety Act 2022

The Hidden Liability Gap

The implementation of the Building Safety Act 2022 (BSA) has fundamentally rewired how Tier 1 contractors must approach risk, data, and liability in the UK construction sector. While much of the industry's focus remains fixed on the superstructure and the newly defined "Higher-Risk Buildings" (HRBs), a critical commercial blind spot remains: **the enabling works and subsurface infrastructure**.

The concept of the "Golden Thread"—a continuous, digital, and verifiable record of design, construction, and maintenance data—is now a legal mandate. However, passing a structural handover check on a multi-million-pound superstructure means nothing if the unverified drainage network beneath it collapses a year later.

This whitepaper argues that the unprecedented legal liabilities introduced by recent legislation are forcing Tier 1 contractors to demand better, incontrovertible data from their supply chains. A defense of "we relied on the sub-contractor" is no longer legally acceptable. Without verifiable digital data on below-ground assets, Tier 1 margins operate on perilous "assumed compliance," exposing corporate balance sheets to devastating, decades-long remedial costs post-handover.

30 Years

RETROSPECTIVE LIABILITY EXTENSION (BSA)

Single Point

PRINCIPAL CONTRACTOR ACCOUNTABILITY

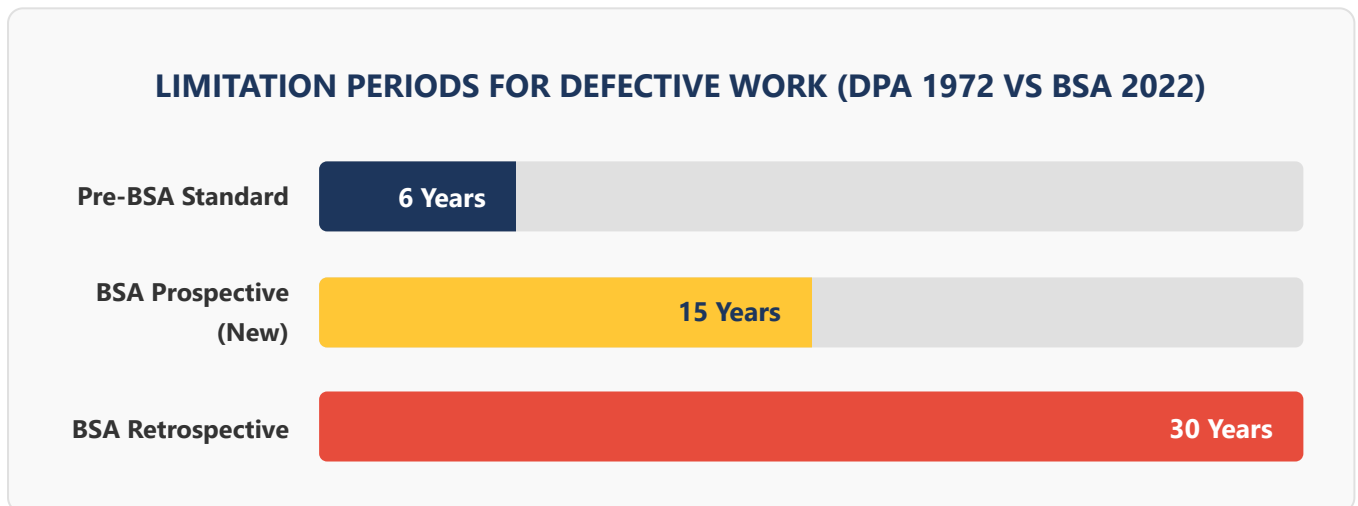
Strategic Imperative

To protect commercial margins, Tier 1 supply chain procurement must shift from demanding "completed works" to demanding "digitally verified works." Partnering with technologically advanced operators is the only reliable methodology to extend the Golden Thread below ground.

01. An Era of Extended Liability

The BSA 2022 drastically extends the liability of Tier 1 contractors under the Defective Premises Act 1972 (DPA). Previously, contractors operated with a 6-year liability window. The new legislation retrospectively extends this limitation period to 30 years for existing dwellings and sets a 15-year prospective period for new works.^[1]

Furthermore, the introduction of **Building Liability Orders (BLOs)** allows courts to pierce the corporate veil. Developers and joint ventures can no longer use Special Purpose Vehicles (SPVs) to ring-fence liability; courts can extend liability to parent companies or "associated" corporate entities, making them jointly and severally liable for building safety risks.^[2]

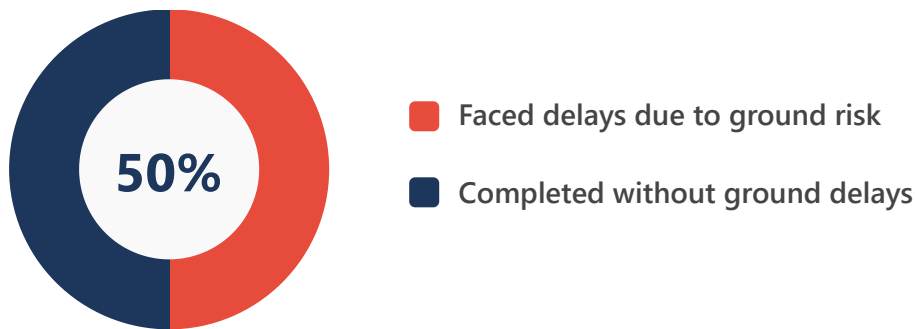


02. Principal Contractor Duties

The BSA establishes the rigorous dutyholder role of the "Principal Contractor," which applies to *all* construction projects requiring building regulations approval, not solely HRBs. This role possesses a strict obligation to plan, manage, and monitor all building work throughout the construction phase, ensuring ultimate compliance.^[3] The responsibility to curate the "Golden Thread" of asset data falls directly upon their shoulders.

03. The Financial Cost of Ground Risk

While legislative risk expands, the physical risks of construction remain heavily concentrated below the surface. "Unforeseen physical conditions"—which include utility strikes, unstable soil, hidden structures, and failed drainage assets—are consistently cited as the leading cause of claims, disputes, and program delays in major infrastructure projects.^[4]



Data shows up to 50% of commercial builds face significant delays due to unexpected ground conditions.^[5]

Historically, subsurface infrastructure operates on a trust-based model during construction. A pipe is laid, buried in aggregate, and paved over. If a Tier 3 sub-contractor accidentally crushes a section with heavy plant, the damage is completely concealed. Poorly conducted site investigations and unverified subsurface work can result in cost variances of up to 50% on initial estimates.^[5]

The "Adoption Gap" Trap

When a water authority or a SuDS Approval Body (SAB) refuses adoption of a completed asset due to unverified construction quality or siltation, the developer and the Tier 1 contractor are left holding the operational liability for an un-adoptable asset in perpetuity. Digging up a newly laid road surface to replace a crushed sub-base can cost over £150 per square metre, instantly destroying site margins.

04. Procuring Digital Proof

To shield the corporate bottom line, procurement strategy must evolve. You can no longer merely procure "drainage rehabilitation"; you must procure "verified digital asset data." This guarantees that the Golden Thread philosophy protects your most vulnerable physical assets.

Civil Connect's Verification Protocol:

When Tier 1 contractors partner with Civil Connect, they acquire rigorous, digital proof of commercial compliance. Our infrastructure delivery is inherently tied to cutting-edge data capture, rendering "Assume & Hope" obsolete.

- **Pre-Handover CCTV Validation:** A comprehensive, pan-and-tilt digital survey of every inch of newly laid or rehabilitated pipework ensures absolute structural integrity before the top-course tarmac is applied.
- **Algorithmic Defect Grading:** We leverage WINCAN-certified AI analysis to grade structural integrity. By removing human subjectivity, we provide a mathematically incontrovertible handover pack that indemnifies the Principal Contractor against future disputes.
- **Live CIPP Telemetry:** During our Trenchless UV lining operations, live telemetry records exact curing temperatures, speeds, and pressure metrics, providing the ultimate digital receipt of structural compliance.

100%

DATA INTEGRITY & TRANSPARENCY

Zero

AMBIGUITY AT HANDOVER

05. De-Risking the Future

Infrastructure delivery is complex enough without gambling your hard-earned margin on the unverified work of fragmented supply chains. Legislation is demanding unprecedented continuous visibility, and the stakes for non-compliance are severe enough to threaten corporate survival.

Commercial efficiency requires that you protect your bottom line by demanding the exact same standard of digital data for your subsurface assets as you do for your superstructure design. The Golden Thread must extend into the ground.

Your Self-Delivering Partner

Close the liability gap. By consolidating your subsurface procurement to Civil Connect, you are choosing a self-delivering partner who natively understands the legislative reality of the Golden Thread. We provide the verified, algorithmic data necessary to secure your margins, satisfy regulators, and guarantee defect-free, adoptable handovers.

Sources & Citations:

[1] *Building Safety Act 2022*. Available via legislation.gov.uk. Extending Defective Premises Act 1972 limitation periods.

[2] CMS Law (2022). *Building Liability Orders: Piercing the corporate veil*.

[3] Health and Safety Executive (HSE). *Principal Contractor duties under the Building Safety Act*.

[4] HKA. *CRUX Insight Report: Causes of Construction Claims and Disputes*.

[5] Emerald Publishing. *Impact of ground conditions on construction project delays and cost overruns*.



Protect Your Margin.

Extend the Golden Thread below ground with verifiable, digital infrastructure data. Partner with a Tier 1 ready specialist.

Contact Our Risk & Compliance Team

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