



Ministry of Housing,
Communities &
Local Government

To:

The Chief Executive

Unitary, Metropolitan, District and London Borough Councils in England
County and County Borough Councils in Wales

The Town Clerk, City of London

The Clerk, Council of the Isles of Scilly

The Sub-Treasurer, Inner Temple

The Under Treasurer, Middle Temple

The Head of Building Control

Unitary Metropolitan, District and London Borough Councils in England
County and County Borough Councils in Wales

City of London

Council of the Isles of Scilly

Approved Inspectors

cc: The Chief Executive:

County Councils in England

National Park Authorities in England & Wales

The Chief Fire Officer: Fire and Rescue Authorities in England & Wales

29 November 2018

Dear Sir or Madam

The Building (Amendment) Regulations 2018

I am writing to inform you of the Building (Amendment) Regulations 2018 (S.I. 2018/1230) (the "Amendment Regulations"). The regulations were made on 28 November 2018 and laid before Parliament on 29 November 2018.

Scope of this Circular Letter

The guidance in this Circular Letter applies to buildings and building work in England.

Publications

The Amendment Regulations and accompanying Explanatory Memorandum will be available at www.legislation.gov.uk.

MHCLG Circular 02/2018, which describes the amendments more fully is available at:

Ministry of Housing, Communities and Local Government
2 Marsham St,
Westminster,
London
SW1P 4DF

<https://www.gov.uk/government/publications/building-amendment-regulations-2018-circular-022018>

The Government response to the consultation is available at:

<https://www.gov.uk/government/consultations/banning-the-use-of-combustible-materials-in-the-external-walls-of-high-rise-residential-buildings>

The 2018 updated edition of Approved Documents B and 7 are available at

<https://www.gov.uk/government/publications/fire-safety-approved-document-b>

<https://www.gov.uk/government/publications/material-and-workmanship-approved-document-7>

Coming into force date

The Amendment Regulations come into force on 21 December 2018.

Ban of combustible materials in the external wall of buildings

Introduction

New regulation 7(2) of the Building Regulations 2010 applies to any building with a storey at least 18m above ground level and which contains:

- one or more dwellings; or
- an institution; or
- a room for residential purposes (excluding any room in a hostel, hotel or a boarding house).

This includes residential blocks of flats, student accommodations, care homes, sheltered housing, hospitals and dormitories in boarding schools with a storey above 18 m in height. Regulation 7(2) requires that all materials which become part of an external wall or specified attachment achieve European Class A2-s1, d0 or Class A1 except for components exempted in Regulation 7(3).

The definitions of external wall and specified attachments are included in Regulation 2. These definitions include any parts of the external wall and balconies, solar panels and sun shadings.

Transitional arrangement

The Amendment Regulations come into force on 21 December 2018. However the Amendment Regulations will not apply where a building notice or an initial notice has been given to, or full plans deposited with, a local authority before 21 December 2018 and either the building work to which it relates:

- (a) has started before that day; or
- (b) is started within the period of two months beginning on that day.

Please note that “building notice”, “initial notice” and “full plans” have the meanings given in Regulation 2 of the Building Regulations 2010.

Commencement of work

In the Department’s opinion the commencement of work would usually be marked by work such as:

- excavation for strip or trench foundations or for pad footings;
- digging out and preparation of ground for raft foundations;
- vibrofloatation (stone columns) piling, boring for piles or pile driving;
- drainage work specific to the building(s) concerned.

We consider that the following sorts of work would not be likely to constitute the commencement of work:

- removal of vegetation
- demolition of any previous buildings on the site;
- removal of top soil;
- removal or treatment of contaminated soil;
- excavation of trial holes;
- dynamic compaction;
- general site servicing works (e.g. roadways)

In some cases, applications will be in respect of a number of buildings on a site, for example a number of houses. In such cases it is the commencement of work on the first of the buildings within the application which determines whether all the building work can take advantage of the transitional provisions, not each individual building.

Material change of use

Please note that Regulations 5 and 6 provide that, where the use of a building is changed such that the building becomes a building described in Regulation 7(4), the construction of the external wall, and specified attachments, must be investigated and, where necessary, work must be carried out to ensure they only contain materials achieving European Class A2-s1, d0 or European Class A1 other than those exempted by Regulation 7(3).

Approved Document B

There is no change to Part B of Schedule 1 to the Building Regulations 2010.

Approved Document B (AD-B) has been updated to provide guidance with regards to the requirements of Regulations 7(2) and 6(3). Additional minor changes have been made to Approved Document B Volume 2 to update some of the references as a consequence of the updated guidance.

Note that Approved Document B Volume 1 Part B4 has not been amended because the guidance provided in this volume is limited to dwellinghouse less than 18m in height as highlighted in paragraph 0.1 of the volume.

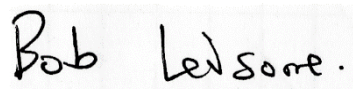
Approved Document 7

Approved Document 7 has been updated to clarify that this document provides information with regards to Regulation 7(1) but not Regulation 7(2); 7(3); 7(4) of the Building Regulations 2010 (as amended).

Enquiries

Telephone enquiries on this Circular Letter should be addressed to Technical Policy Division on 0303 444 0000 and all e-mail enquiries to enquiries.br@communities.gsi.gov.uk.

Yours faithfully

A handwritten signature in black ink that reads "Bob Ledsome." The signature is written in a cursive style and is positioned above the printed name.

R J Ledsome

Deputy Director

Technical Policy Division
Building Safety Portfolio