



Department for Levelling Up,
Housing & Communities

Levelling Up, Housing and Communities Circular 02/2021

Department for Levelling Up, Housing and Communities

Fry Building, 2 Marsham Street, London SW1P 4DF

15 December 2021

THE BUILDING ACT 1984

THE BUILDING REGULATIONS 2010

THE BUILDING REGULATIONS ETC.
(AMENDMENT) (ENGLAND)
REGULATIONS 2021

NEW APPROVED DOCUMENT O
(OVERHEATING) TO SUPPORT NEW
REQUIREMENTS IN THE REGULATION

NEW APPROVED DOCUMENT F,
VOLUMES 1 AND 2

NEW APPROVED DOCUMENT L,
VOLUMES 1 AND 2

INTRODUCTION

1. On behalf of the Secretary of State I draw your attention to the publication of The Building Regulations etc. (Amendment) (England) Regulations 2021 (S.I. 2021/1391) (“the Amendment Regulations”), which were laid on 15 December 2021 and will come into force on 15 June 2022, and the publication of Approved Document F (Ventilation), volumes 1 and 2; Approved Document L (Conservation of Fuel and Power) volumes 1 and 2 and Approved Document O (Overheating).

2. In accordance with section 14(3) of the Building Act 1984, the Regulations were made after consultation with the Building Regulations Advisory Committee for England and with other bodies representative of the interests concerned.

3. The purpose of this Circular is to:

- draw attention to the amendments and explain the changes they make to the Building Regulations 2010 and the Building (Approved Inspectors etc.) Regulations 2010; and
- draw attention to the publication of new Approved Documents F, volumes 1 and 2; and L, volumes 1 and 2, and the new Approved Document O; and
- draw attention to the transitional provisions, which apply to individual buildings.

4. Annex A to this Circular sets out the changes to the Building Regulations 2010 and the Building (Approved Inspectors etc.) Regulations 2010 made by S.I. 2012/1391.

5. This Circular does not give advice on the technical requirements in the Building Regulations 2010 as these are matters covered by the Approved Documents.

APPLICATION OF THE REGULATIONS AND GUIDANCE

6. The amendment regulations and Approved Documents L (volumes 1 and 2), F (volumes 1 and 2) and O apply only to buildings and building work in England.

AMENDMENT REGULATIONS

7. The Amendment Regulations amend the Building Regulations 2010 to:

- provide for a new way of measuring energy efficiency, using a new performance metric;
- change the way on-site electricity generation systems are regulated;
- introduce regulation on overheating mitigation;
- make provision about ventilation standards when work to which Part L (conservation of fuel and power) applies;
- make associated changes to the Building (Approved Inspectors etc.) Regulations 2010;
- make transitional provision, and
- make minor changes in respect of self-certification schemes.

APPROVED DOCUMENTS

8. Approved Document F: ventilation (2010 edition incorporating 2010 and 2014 amendments) is being withdrawn and replaced with Approved Document F, Volume 1: Dwellings and Approved Document F, Volume 2: Buildings other than dwellings.

9. Approved Documents L1A conservation of fuel and power in new dwellings, 2013 edition with 2016 amendments; L1B: conservation of fuel and power in existing dwellings, 2010 edition (incorporating 2010, 2011, 2013, 2016 and 2018 amendments); L1B: conservation of fuel and power in existing dwellings, 2010 edition (incorporating 2010, 2011, 2013 and 2016 amendments) and L2A: conservation of fuel and power in new buildings other than dwellings, 2013 edition with 2016 amendments are being withdrawn. They are being replaced with Approved Document L, Volume 1: Dwellings and Approved Document L, Volume 2: Buildings other than dwellings.

10. The Secretary of State has approved new statutory guidance to support compliance with Part O of Schedule 1 to the Building Regulations 2010 as Approved Document O.

11. Annexes B and C to this Circular give the Notice of Approval for the new Approved Documents and the Notice of Withdrawal of Approval of previous editions of the Approved Documents, subject to the transitional provisions.

12. The Approved Documents are available at <https://www.gov.uk/government/collections/approved-documents>

or paper copies may be ordered from RIBA Bookshops (www.ribabookshops.com)

TRANSITIONAL PROVISION

10. The Amendment Regulations and new Approved Documents do not apply in relation to building work on a particular building, where a building notice or an initial notice has been given to, or full plans have been deposited with, a local authority, in respect of that building, before 15th June 2022, provided that the building work on that building is started before 15th June 2023.

11. 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 only those individual buildings for which work is commenced which can take advantage of the transitional provisions.

ENQUIRIES

12. All enquiries on matters covered by this Circular should be addressed to:

Department for Levelling Up, Housing and Communities

Technical Policy Division, Fry Building

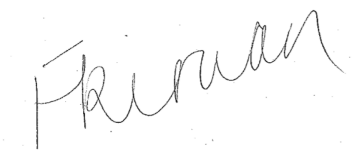
2 Marsham Street, London SW1P 4DF

Tel: 0303 444 0000

E-mail: enquiries.br@communities.gov.uk

Date: 15 December 2021

Signed:

A handwritten signature in black ink, appearing to read 'F Kirwan', written in a cursive style.

F Kirwan

An Assistant Secretary in the Department for Levelling Up, Housing and Communities

ANNEX A

The Building Regulations etc. (Amendment) (England) Regulations 2021 (S.I. 2021/1391)

These Regulations amend the Building Regulations 2010 (S.I. 2010/2214) as they apply in relation to England. These Regulations also amend the Building (Approved Inspectors etc.) Regulations 2010 (S.I. 2010/2215) as they apply in relation to England.

Regulation 3 amends regulation 2(1) (interpretation) of the Building Regulations to introduce the new target primary energy rate requirement to the definition of ‘energy efficiency requirements’ and add a definition of a “system for on-site electricity generation”.

Regulation 4 introduces a requirement that where building work is undertaken in respect of Part L of the Building Regulations, the ventilation in the building must comply with the standard set out in Part F of Schedule 1 or it must be no worse than the standard prior to the Part L works taking place.

Regulation 5 introduces a requirement for the Secretary of State to approve, alongside existing performance metrics, minimum energy performance requirements for new buildings in the form of target primary energy rates.

Regulation 6 inserts a requirement that a building when erected must not exceed the target primary energy for the building.

Regulation 7 sets out the procedures and requirements in relation to notification of the primary energy rate calculations to the local authority.

Regulation 8 inserts requirements for the person carrying out the building work to provide information to the owner with regards the systems for on-site generation of electricity and the provisions made in accordance with the new Part O on overheating.

Regulation 9 updates a company name.

Regulation 10 inserts a requirement to confirm with a local authority that a system for on-site electricity generation has been commissioned.

Regulation 11 amends Schedule 1 of the Building Regulations to specify that fixed building services must be energy efficient to a reasonable standard; to introduce requirements for the installation of on-site generation of electricity and to insert a new Part O to require overheating mitigation.

Regulation 12 and 13 amend Schedule 3 of the Building Regulations to update the company names of authorised competent person scheme operators and the areas of work they cover.

Regulation 15 amends Regulation 8 of the Building (Approved Inspectors etc.) Regulations 2010 to require approved inspectors to ensure that the new requirements inserted into the Building Regulations 2010 by the Amendment Regulations are complied with in building work covered by an initial notice.

Regulation 16 amends Regulation 20 of the Building (Approved Inspectors etc.) Regulations 2010 so that documentation required to be given to a Local Authority by the Amendment Regulations can be given to an approved inspector when the work is covered by an initial notice.

Regulation 17 covers the transitional provision for these Amendment Regulations so that those amendments do not apply in relation to building work on a building where a building notice or an initial notice has been given to, or full plans have been deposited with, a local authority before 15th June 2022, provided that the building work on that particular building is started before 15th June 2023.

ANNEX B

Building Act 1984

NOTICE OF APPROVAL OF NEW DOCUMENTS GIVING PRACTICAL GUIDANCE WITH RESPECT TO THE REQUIRMENTS OF THE BUILDING REGULATIONS 2010	
<p>The Secretary of State hereby gives notice under section 6 of the Building Act 1984 that, in the exercise of said powers under section 6, he has approved the documents listed below for the purposes of giving practical guidance with respect to the specified requirements of the Building Regulations 2010.</p> <p>The approval takes effect on 15 June 2022 except in respect of work for which a building notice or initial notice has been given or full plans deposited before that date and provided work commences before 15 June 2023.</p>	
Document	Requirements of the Building Regulations 2010 in respect of which the document is approved
Approved Document F, Ventilation, Volume 1: Dwellings	Regulations 39, 42, 44 and Schedule 1: Part F
Approved Document F, Ventilation, Volume 2: Buildings other than dwellings	Regulations 39, 42, 44 and Schedule 1: Part F
Approved Document L, Conservation of fuel and power, Volume 1: Dwellings	Regulations 4, 6, 21, 22, 23, 24, 25, 25A, 25B, 26, 26C, 27, 27C, 28, 40, 40A, 43, 44, 44ZA and Schedule 1, Part L
Approved Document L, Conservation of fuel and power, Volume 2: Buildings other than dwellings	Regulations 4, 6, 21, 22, 23, 24, 25, 25A, 25B, 26, 26C, 27, 27C, 28, 40, 40A, 43, 44, 44ZA and Schedule 1, Part L
Approved Document O, Overheating	Regulation 40B and Schedule 1 Part O
Signed by authority of the Secretary of State	<p>F Kirwan</p> <p>An Assistant Secretary in the Ministry of Housing, Communities and Local Government</p> <p>15 December 2021</p>

ANNEX C

Building Act 1984

NOTICE OF WITHDRAWAL OF APPROVAL OF DOCUMENTS GIVING PRACTICAL GUIDANCE WITH RESPECT TO THE REQUIREMENTS OF THE BUILDING REGULATIONS 2010	
<p>The Secretary of State hereby gives notice under section 6 of the Building Act 1984 that, in the exercise of said powers under section 6(5), he has withdrawn approval of the documents listed below for the purposes of giving practical guidance with respect to the specified requirements of the Building Regulations 2010.</p> <p>The withdrawal of approval takes effect on 15 June 2022. There are no transitional arrangements.</p>	
Document	Requirements of the Building Regulations 2010 in respect of which the document is approved
Approved Document F, ventilation and all amendments to it	Schedule 1, Part F
Approved Document L1A, Conservation of fuel and power in new dwellings 2013 and all amendments to it	Part 6 and Schedule 1, Part L
Approved Document L1B, Conservation of fuel and power in existing dwellings 2010 and all amendments to it	Part 6 and Schedule 1, Part L
Approved Document L2A, Conservation of fuel and power in new buildings other than dwellings 2013 and all amendments to it	Part 6 and Schedule 1, Part L
Approved Document L2B, Conservation of fuel and power in existing buildings other than dwellings 2010 and all amendments to it	Part 6 and Schedule 1, Part L
Signed by authority of the Secretary of State	<p>F Kirwan</p> <p>An Assistant Secretary in the Ministry of Housing, Communities and Local Government</p> <p>15 December 2021</p>