



Department for Levelling Up,  
Housing & Communities

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

15 December 2021

Dear Sir or Madam

**The Building Regulations etc. (Amendment) (England) Regulations 2021**

I am writing to inform you of The Building Regulations etc. (Amendment) (England) Regulations 2021 (the “Amendment Regulations”). The regulations were made on 13 December 2021 and laid before Parliament on 15 December 2021. Alongside the publication of these regulations, government has also published new statutory guidance in the form of five new Approved Documents. The changes delivered through the new regulations and statutory guidance relate to Part L (conservation of fuel and power), Part F (ventilation) and a new Part O (overheating) of the Building Regulations.

***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](http://www.legislation.gov.uk).

DLUHC Circular 01/2021, which describes the amendments more fully is available at:

<https://www.gov.uk/government/publications/building-amendment-regulations-2021-circular-012021>

The content of the Amendment Regulations was subject to consultation and the relevant consultation responses can be found here:

<https://www.gov.uk/government/consultations/the-future-homes-standard-changes-to-part-l-and-part-f-of-the-building-regulations-for-new-dwellings> and

<https://www.gov.uk/government/consultations/the-future-buildings-standard>.

New Approved Documents F (volumes 1 and 2) and L (volumes 1 and 2), as well as new Approved Document O, are available at:

<https://www.gov.uk/government/collections/approved-documents>.

## **Coming into force date**

The Amendment Regulations come into force on 15 June 2022.

## ***The Building Regulations etc. (Amendment) (England) Regulations 2021***

This amendment to the Building Regulations 2010 applies to:

- New and existing dwellings
- New and existing non-domestic buildings
- With regards the new Part O on overheating, all new residential buildings

The Amendment Regulations provide for a new metric for the measurement of energy efficiency in the form of the target primary energy rate. They also introduce new regulation for on-site electricity generation and in relation to overheating. They also make provision about ventilation standards when work to which Part L (conservation of fuel and power) applies. The Building (Approved Inspectors etc.) Regulations 2010 are amended accordingly so that the new requirements operate in an equivalent way when the building work is subject to an initial notice.

Schedules 3 and 3A of the Building Regulations 2010 are amended to reflect changes to the bodies participating in self-certification schemes.

## ***New Approved Documents***

Alongside the publication of these regulations, government has published new statutory guidance in the form of five new Approved Documents.

Approved Document F and the Domestic Ventilation Compliance Guide have been replaced by Approved Document F, volume 1: Dwellings (2021 edition) and Approved Document F, volume 2: buildings other than dwellings (2021 edition). The new Approved Documents contain updated guidance on ventilation. In particular, new guidance has been introduced for work to existing dwellings. Guidance for new dwellings and buildings other than dwellings has also been updated.

Approved Document L1A, L1B and the Domestic Building Services Compliance guide has been replaced by Approved Document L, volume 1: Dwellings. New and updated guidance is provided for work to new and existing dwellings. In particular, new guidance is provided on the updated CO<sub>2</sub> and primary energy targets for dwellings, minimum standards for building fabric and fixed building services, as well as guidance to support the new legislation.

Approved Document L2A, L2B and the Non Domestic Building Services Compliance guide has been replaced by Approved Document L, volume 2: Buildings other than dwellings. New and updated guidance is provided for work to new and existing buildings other than dwellings. In particular, new guidance is provided on the updated CO<sub>2</sub> and primary energy targets for buildings other than dwellings, minimum standards for building fabric and fixed building services, as well as guidance to support the new legislation.

Approved Document O has been introduced to provide statutory guidance on overheating. This new guidance document gives guidance for new residential buildings to which Part O, a new requirement being introduced by the Amendment Regulations, will apply.

The transitional arrangements for this guidance are the same as those applied to the new legislation.

### ***Transitional arrangement***

The Amendment Regulations come into force on 15 June 2022. However, the Amendment Regulations will 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 deposited with, a local authority before 15 June 2022 provided that the building work on that particular building is started before 15 June 2023.

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

The same transitional provisions will be in place for the new Approved Documents.

### ***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:

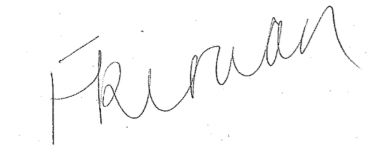
- removal of vegetation
- demolition of any previous buildings on the site;
- removal of top soil;
- removal or treatment of contaminated soil;
- excavation of trial holes;
- dynamic compaction;
- general site servicing works (e.g. roadways)

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

***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.gov.uk](mailto:enquiries.br@communities.gov.uk).

Yours faithfully

A handwritten signature in black ink, appearing to read 'F Kirwan', is written over a faint, light-colored rectangular stamp or watermark.

**F Kirwan**

Deputy Director

Technical Policy Division  
Building Safety Portfolio