



Department for Levelling Up,
Housing & Communities

Levelling Up, Housing and Communities Circular 04/2022

Department for Levelling Up, Housing and Communities

Fry Building, 2 Marsham Street, London SW1P 4DF

4 October 2022

THE BUILDING ACT 1984

THE BUILDING REGULATIONS 2010

THE BUILDING ETC. (AMENDMENT) (ENGLAND)
(NO.2) REGULATIONS 2022, INCLUDING NEW
REQUIREMENTS FOR INFRASTRUCTURE FOR
ELECTRONIC COMMUNICATIONS

NEW APPROVED DOCUMENT R

VOLUME 1: PHYSICAL INFRASTRUCTURE AND
NETWORK CONNECTION FOR NEW DWELLINGS

VOLUME 2: PHYSICAL INFRASTRUCTURE FOR
HIGH-SPEED ELECTRONIC COMMUNICATIONS
NETWORKS

INTRODUCTION

1. On behalf of the Secretary of State I draw your attention to the publication of The Building etc. (Amendment) (England) (No. 2) Regulations 2022 (S.I. 2022/984) (“the Amendment Regulations”), which were laid on 26 September 2022 and will come into force on 26 December 2022, and the publication of new Approved Document R Volumes 1 and 2.
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 a new Approved Document R Volumes 1 and 2; and
 - draw attention to the withdrawal of the existing Approved Document R.
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. 2022/984.
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

6. The Amendment Regulations and Approved Document R Volumes 1 and 2 apply only to buildings and building work in England.
7. The Amendment Regulations introduce new requirements to Part R in Schedule 1 to the Building Regulations 2010. The Amendment Regulations and Requirements RA1 and RA2 set out the new infrastructure and connectivity requirements for newly erected dwellings with certain modifications and exemptions; alongside amended Requirement R1 infrastructure requirements for other in-scope buildings.
8. The Amendment Regulations amend Schedule 1 to the Building (Approved Inspectors etc.) Regulations 2010 (forms) to include references to the statements required under regulations 44ZB and 44ZC of the Building Regulations 2010 (as inserted by the Amendment Regulations) in initial notices, amendment notices, combined initial notices and plans certificate, public body’s notice and combined public body’s notice and plans certificate, to be provided to approved inspectors where they are assessing compliance with the Building Regulations 2010.

9. The Amendment Regulations amend regulation 55 to the Building Regulations 2010 to remove the requirement to have regard to how Article 8 (in-building physical infrastructure) of Directive 2014/61/EU of the European Parliament and of the Council on measures to reduce the cost of deploying high-speed electronic communications networks is implemented in other Member States of the European Union. Regulation 55 requires the Secretary of State to carry out a review of the regulatory provisions under Part R of the regulations. The Secretary of State is required to publish a report setting out the conclusions of that review. This review requirement will apply to Requirement RA1 and RA2 and R1. The first report published against these requirements must be published before 7 May 2026. Subsequent reports must be published at intervals not exceeding 5 years.

NEW APPROVED DOCUMENT R VOLUMES 1 AND 2

10. The Secretary of State has approved new statutory guidance to support compliance with the Amendment Regulations and Part R in Schedule 1 to the Building Regulations. Annex B and Annex C to this Circular give the Notice of Approval for the new Approved Document R Volumes 1 and 2 and the Notice of Withdrawal of Approval of previous editions of the Approved Document R respectively, subject to the transitional provisions.

11. 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

12. The new requirements do not apply in relation to building work in respect of which a building notice or an initial notice has been given to, or full plans deposited with, a local authority before 26 December 2022 provided that the building work is started within the period of 12 months, beginning with that day.

ENQUIRIES

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

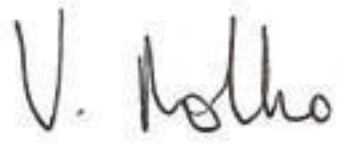
Department for Levelling Up, Housing and Communities
Technical Policy Division, Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 0000

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

Date: 4 October 2022

Signed:

A handwritten signature in black ink, appearing to read "V. Molho". The letters are cursive and somewhat stylized, with a large 'V' and a long, sweeping 'h'.

V Molho

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

ANNEX A

Building Act 1984

The Building etc. (Amendment) (England) (No. 2) Regulations (S.I. 2022/984) (the “Amendment Regulations”).

These Amendment Regulations amend the Building Regulations 2010 (S.I. 2010/2214) as they apply in relation to England to require the installation of gigabit-ready physical infrastructure and, up to a cost cap of £2,000 per dwelling, gigabit-capable connections for new dwellings. These Amendment Regulations also amend the Building (Approved Inspectors etc.) Regulations 2010 (S.I. 2010/2215) as they apply in relation to England to update relevant forms to be submitted to approved inspectors with information required by the Amendment Regulations where approved inspectors are assessing compliance.

The Building Regulations 2010

- Regulation 44ZB provides for exemptions from the requirements, for buildings to be occupied by the Ministry of Defence or armed forces of the Crown or otherwise for purposes connected to national security, and those in prescribed “isolated” areas. .
- Regulation 44ZC(1)-(4) sets out exemptions for the requirement to provide a gigabit-capable connection if doing so exceeds the cost-cap, as follows:
 - where gigabit-capable connections cannot be installed within the cost cap of £2,000, a high-speed network connection must be installed, provided it can be secured within the cost cap.
 - where a high speed-connection cannot be installed within the cost cap, a USO-standard connection must be installed, provided it can be secured within the cost cap.
 - where a USO-standard connection cannot be provided, no connection is required.
- Regulation 44ZC(5) also defines the terms “high-speed public electronic communications network” and “USO-standard public electronic communications network”.
- Regulation 44ZC(6) treats the developer as being able to secure the provision of each of the above connections unless the developer has invited at least two suitable providers (as defined in regulation 44ZC(9) who have either declined to provide a relevant connection within the cost cap, or not responded to invitations to provide quotes, within a 30 working day period.
- Regulations 44ZC(7) and (8) set out the cost cap of £2,000 and is included in this calculation.
 - Regulation 44C now includes the following new definitions: “gigabit-capable electronic communications network”, “gigabit-capable public electronic communications network”, “gigabit-ready physical infrastructure”, and “public electronic communications network”.
- Schedule 1 (requirements) inserts ‘Requirement RA1’, Gigabit-ready physical infrastructure, and Requirement RA2, Connection to gigabit-capable network.
- Requirement R1, ‘In-building physical infrastructure’, is amended to exclude from the scope of that requirement any building work to which requirement RA1 applies.

The Building (Approved Inspectors Etc.) Regulations 2010, The Building Regulations &c. (Amendment) Regulations 2015

Schedule 1, Forms, is amended to provide that the following form templates include requirements for details of broadband infrastructure, connections, and where relevant, exemptions from requirements. These amendments are made to the following Forms in Schedule 2 of The Building (Approved Inspectors Etc.) Regulations 2010 as amended:

- Form 1 (initial notice)
- Form 2 (amendment notice)
- Form 4 (combined initial notice and plans certificate)
- Form 9 (public body's notice)
- Form 11 (combined public body's notice and plans certificate)


ANNEX B

Building Act 1984

NOTICE OF APPROVAL OF A NEW DOCUMENT GIVING PRACTICAL GUIDANCE WITH RESPECT TO THE REQUIREMENTS OF THE BUILDING REGULATIONS 2010

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 document listed below for the purposes of giving practical guidance with respect to the specified requirements of the Building Regulations 2010.

The approval takes effect on 26 December 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 within 12 months beginning with that day.

Document	Requirements of The Building Regulations 2010 in respect of which the document is approved
Approved Document R Volume 1 Physical infrastructure and network connection for new dwellings	Part R, Schedule 1; new regulations 44ZB to 44ZC, and new requirements added into regulations 13, 14, 44A, 44C, and 55.
Approved Document R Volume 2: Physical Infrastructure for high-speed electronic communications networks	Part R, Schedule 1
Signed by authority of the Secretary of State 	Victoria Molho An Assistant Secretary in the Department for Levelling Up, Housing and Communities 4 October 2022

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

The Secretary of State hereby gives notice under section 6 of the Building Act 1984 that, in the exercise of the 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.

The withdrawal of approval takes effect on 26 December 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 within the period of 12 months beginning with that day.

Document	Requirements of the Building Regulations 2010 in respect of which the document is approved
Approved Document R: Physical Infrastructure for high-speed electronic communications networks (2016 edition)	Part R, Schedule 1
Signed by authority of the Secretary of State 	V Molho An Assistant Secretary in the Department for Levelling Up, Housing and Communities 4 October 2022