



Department for  
Communities and  
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

13 April 2016

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

Dear Sir or Madam

## **Building (Amendment) Regulations 2016**

I am writing to inform you of the Building (Amendment) Regulations 2016 (S.I. 2016/490) (the "Amendment Regulations") which were made on 11 April 2016 and laid before Parliament on 13 April 2016. The Amendment Regulations amend the Building Regulations 2010. The Amendment Regulations introduce a new Part R in Schedule 1 to the Building Regulations (physical infrastructure for high-speed electronic communications networks).

### ***Scope of this Circular Letter***

The guidance in this Circular Letter applies to buildings and building work in England, and also to excepted energy buildings in Wales.<sup>1</sup>

### ***Publications***

The Amendment Regulations are available at:  
[www.legislation.gov.uk/ukxi/2016/490/regulation/2/made](http://www.legislation.gov.uk/ukxi/2016/490/regulation/2/made)

DCLG Circular 04/2016, which describes the amendments more fully, is available at:  
<https://www.gov.uk/government/publications/building-amendment-regulations-2016-circular-042016>

The Government response to the consultation is available at:  
<https://www.gov.uk/government/consultations/new-part-r-of-the-building-regulations>

The Approved Document for Part R is available at:  
[www.gov.uk/government/publications/high-speed-electronic-communications-networks-approved-document-r](http://www.gov.uk/government/publications/high-speed-electronic-communications-networks-approved-document-r)

### ***Coming into force date***

The Amendment Regulations come into force on 9 May 2016. However, there is a transitional period in place meaning that compliance with the new requirements in the Regulations will only apply where a building regulations application is submitted after 31 December 2016. Approved Document R will come into force only on 1 January 2017.

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<sup>1</sup> Excepted energy buildings are defined in the schedule to the Welsh Ministers (Transfer of Functions) (No.2) Order 2009 (S.I. 2009/3019)

## ***New Part R (in-building physical infrastructure for high-speed electronic communications networks) in Schedule 1 to the Building Regulations 2010***

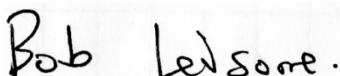
Building control bodies will wish to note the following:

- Part R transposes the requirements of Directive 2014/61/EU into English law. The guiding principle of Directive 2014/61/EU is to contribute to a reduction of the future costs and obstacles to deploy superfast broadband. It should be noted that a standard copper telephone cable, when connected to a service provider's fibre network, can currently deliver superfast broadband speeds of up to 70 Mbps.
- Part R requires that all new buildings are adequately equipped with the necessary infrastructure to *support* a connection to superfast broadband rather than provide the connection itself.
- The requirement only considers internal physical infrastructure required for the building, and not any infrastructure that may be placed within the site curtilage or boundary, as this is outside of the scope of the Directive. Any site-wide infrastructure that may be required should be installed by the developer in consultation with their preferred telecoms provider.
- Regarding major renovation works, Part R requirements only apply where the existing in-building physical infrastructure is being renovated, either wholly or across a significant part. The Part R requirement will therefore only apply to change of use projects and extensions where building work (i.e. work requiring a building regulations application) encompasses modifications to a significant part of the existing in-building physical infrastructure.
- We have provided for exemptions to the requirements, including an exemption for major renovation works if the cost of compliance with Requirement R1 would be disproportionate to the benefit gained. It is anticipated that there would be very few instances where this exemption would be acceptable. Building Control Bodies should make a case by case assessment as to whether costs in meeting the requirement are disproportionate to the benefits of enabling superfast access to broadband.

### ***Enquiries***

Any enquiries about this Circular Letter should be addressed to [enquiries.br@communities.gsi.gov.uk](mailto:enquiries.br@communities.gsi.gov.uk)

Yours faithfully



**R J Ledsome**  
Deputy Director  
Building Regulations and Energy Performance Division