

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 Authorities in
England and Wales

22 June 2011

Dear Sir/Madam

Building (Amendment) Regulations 2011

I am writing to inform you that The Building (Amendment) Regulations 2011 (S.I. 2011/1515) were laid in Parliament on 22 June 2011 to come into force on 15 July 2011.

Publications

Circular 02/2011 (available at <http://www.communities.gov.uk/publications/planningandbuilding/circular022011>)

The Circular details the changes to the Regulations, which includes a change to the repair of flat roofs and to Competent Persons Schemes. There have been no changes to other substantive provisions in the Regulations.

Repair of flat roofs

The definition of "renovation" in regulation 2(1) of the Building Regulations 2010 has been amended. The current definition of "renovation" in regulation 2(1) of the Building Regulations means that any repair of a flat roof by adding a new layer to the existing layers extending to more than 25% of the roof area must be treated as a renovation triggering an upgrade to current Part L standards. This is proving to be impracticable and unenforceable.

Flat roofs are commonly repaired by adding a layer liquid sealant to the roof surface or a new layer of felt. Neither method lends itself to the upgrading of the thermal properties of the roof. Many of those responding to the consultation on the changes to the energy efficiency provisions for 2010 considered that the repair of a flat roof by the addition of a layer to the existing layers should not fall within the definition of "renovation". The guidance in AD L1B and AD L2B was amended to reflect the weight of responses to the consultation but at the time the definition of "renovation" was not amended.

The 2011 Regulations now make the necessary amendment. This means that from the coming into force date of these Regulations the repair of a flat roof by the addition of a layer to the existing layers of over 25% of the area will not require an upgrade to the thermal properties. As such a repair will no longer fall within the definition of "building work" in regulation 3(1) of the Building Regulations it will not be notifiable building work.

Please note that this change does not affect the current position in relation to pitched roofs or where flat roofs are altered by the removal and replacement of a layer or layers.

Competent Persons Schemes (CPS)

We have

- i) extended the areas of work which some existing schemes are authorised to do; and
- ii) introduced a new category of work covered by Competent Person Schemes. The new type of work means that replacement of a window, rooflight, roof window or door can be carried out now in existing buildings which are not dwellings. However, we have included some exceptions to this. These are any glass which is load bearing, structural glass, display windows, glazed curtain walling and revolving glass doors.

Full details can be seen in the amendments made in Schedule 3 to the 2010 Building Regulations by the Building (Amendment) Regulations. The Department's website will be updated shortly to reflect these changes.

Approved Documents and Compliance Guides

Approved Documents and Compliance Guides remain valid for the purposes of the 2010 Regulations. However, we will be amending Approved Documents L1B (2010) and L2B (2010) where they show quotes from the Regulations, to reflect the correction to the definition of "renovation" in regulation 2.

Statutory Approvals

The existing statutory approval of methodologies, procedures, circumstances and manners of recording of results for the purposes of the Building Regulations 2000 remain valid for the purposes of regulations 24, 25, 29, 41, 42, 43, and 44 of the Building Regulations 2010.

Enquiries

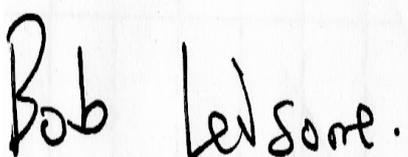
Any enquiries on this Circular Letter should be addressed as follows:

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All e-mail enquiries to enquiries.br@communities.gsi.gov.uk

All letters of enquiry to Building Regulations and Standards Division, DCLG, 5/E8 Eland House, Bressenden Place, London SW1E 5DU

Yours Faithfully,

A handwritten signature in black ink that reads "Bob Ledsome." The signature is written in a cursive, slightly slanted style.

Bob Ledsome
Head of Building Regulations and Standards Division