



Llywodraeth Cymru  
Welsh Government

# Building Regulations Wales

# Circular

Circular number:	WGC 007/2016	Date issued:	D13/	07M /	2016
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Status:	For information
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Title:	Commencement of building work and transitional provisions
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Issued by:	Francois Samuel, Head of Building Regulations
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Addressed to:	Please forward to:
Local Authority Chief Executives Welsh Local Government Association Association of Corporate Approved Inspectors Construction Industry Council Competent Persons Forum	Local Authority Building Control Officers Assembly Members

Summary:
This circular provides updated information on commencement of building work and transitional provisions following the introduction of regulation 37A into the Building Regulations 2010.

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## **Introduction**

This circular letter supersedes previous general guidance issued by the Department of Communities and Local Government in their circular issued on the 28 September 2010 in relation to “commencement” of building work on site. It also provides advice on the transitional provisions relating to regulation 37A of the Building Regulations 2010, which imposes the requirement to install automatic fire suppression systems in dwellings and flats with effect from the 1 January 2016, and future policy development in Wales.

## **Commencement of building work**

Building Control bodies should ensure that sufficient work has been undertaken so that the building work can properly be considered as having been commenced.

Commencement of building work is the point at which the project requires building control input and without such control would be a case for enforcement. The work should be permanent in the sense that it will be incorporated into the completed building.

In order to provide clarity, building work which is carried out in accordance with a relevant notice or building plans can be said to have been commenced upon completion of 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

We consider that the following types of work would **not** be likely to constitute the commencement of building 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)

## **Procedures to be undertaken in relation to transitional provisions relating to Regulation 37A Building Regulations 2010 – Fire suppression systems in dwellings and flats**

The effect of the transitional provisions applicable to regulation 37A is that the requirement to provide an automatic fire suppression system does not apply where applications were submitted prior to the 1 January 2016 and building work is commenced on or before the 1 January 2017 (at least one dwelling will need to have commenced on a multi dwelling application).

For all applications submitted prior to the 1 January 2016, where building work is not commenced on or before 1 January 2017, the requirement to install automatic fire suppression systems in accordance with regulation 37A of the Building Regulations 2010 will apply.

The change to the building regulations to require the installation of fire suppression systems into flats and dwellings from the 1 January 2016 brought about a considerable number of submissions of approved inspector and local authority applications prior to the coming into force date.

It was observed that the submissions included significant numbers of new dwellings. A survey was undertaken with the local authorities in Wales to identify the number of applications/notifications and if the development sites included in the building regulations applications also had the necessary planning consents in place.

Many of the application sites had no current planning consent for the development in question. To date the Welsh Government has adopted transitional arrangements for the introduction of legislation changes modelled on those used prior to the devolution of power to make building regulations to Wales. We are however concerned at the volume of applications submitted prior to the 1 January 2016 and the potential impact on the timing of future legislation changes.

Changes to transitional arrangements may be required in the future to ensure that speculative applications are kept to a minimum and the commencement of building work is sufficiently evidenced. The requirement to install automatic fire suppressions systems will of course need to be enforced by building control bodies where work is not commenced by 1 January 2017.

It is the intention to re-visit the original survey undertaken with the local authorities in Wales in relation to pre 1 January 2016 applications. A further survey will be undertaken to re-assess the original applications/notifications to identify how many applications/notifications have commenced work before the 1 January 2017 and how many of the sites in question have obtained the necessary planning consents.

### **Future Policy Development**

Following the survey and informed by its findings Welsh Government will in due course consider the position in relation to transitional provisions and whether any changes are required to the legislative requirements relating to the submission of applications/notifications for building regulations.

## **Enquiries**

Any enquiries on this Circular Letter should be addressed to:

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Yours sincerely

A handwritten signature in black ink, appearing to read 'Francois Samuel'. The signature is written in a cursive style with a large initial 'F' and 'S'.

**Francois Samuel**  
**Head of Building Regulations**