



Ministry of Housing,
Communities &
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

Approved Inspectors

cc: The Chief Executive:

County Councils in England

National Park Authorities in England & Wales

Chair: National Fire Chiefs Council

18 December 2018

Dear Sir or Madam

Approved Document B December 2018 edition

I am writing to inform you of the publication of Approved Document B December 2018 edition. The guidance was published on the 18 December 2018 and will come into effect on the 21 January 2019.

Scope of this Circular Letter

The guidance in this Circular Letter applies to buildings and building work in England.

Publications

MHCLG Circular 03/2018, which describes the amendments more fully is available at <https://www.gov.uk/government/publications/approved-document-b-volume-1-and-volume-2-circular-032018>

The Government response to the consultation is available at:

<https://www.gov.uk/government/consultations/approved-document-b-fire-safety-amendments-to-statutory-guidance-on-assessments-in-lieu-of-tests>

The December 2018 updated edition of Approved Documents B is available at

<https://www.gov.uk/government/publications/fire-safety-approved-document-b>

Coming into force date

The approved documents come into force on 21 January 2019.

Assessment in lieu of tests

Approved Document B

The guidance has been amended following a consultation earlier in the year on proposals to restrict the use of assessments in lieu of tests. This replaces the advice issued by the government in the circular letter dated 10 September 2018.

The guidance in appendix B and paragraph 1 to 5 of appendix A of Approved Document B Volume 1 and 2 has been amended to ensure that assessments in lieu of tests are only used where necessary and are carried out in an appropriate way. The guidance clarifies that an assessment in lieu of test should not be regarded as a way to avoid undertaking a test where one is necessary and should only be carried out where sufficient, relevant test evidence is available.

The revised approved document recommends that an assessment in lieu of test is carried out in accordance with the appropriate extended application standard for the test in question where one is available or BS EN 15725:2010 when there is no specific standard.

Tests and assessments should be carried out by organisations with the necessary expertise, for example, organisations listed as “notified bodies” in accordance with the European Construction Products Regulation or laboratories accredited by UKAS for the relevant test standard.

Transitional arrangement

The amended guidance comes into force on 21 January 2019. However, the amendment Regulations will not apply where a building notice or an initial notice has been given to, or full plans deposited with, a local authority before 21 January 2019 and either the building work to which it relates:

(a) has started before that day; or

(b) is started within the period of two months beginning on that day.

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

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;
- vibroflotation (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:

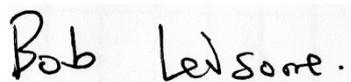
- removal of vegetation
- demolition of any previous buildings on the site;
- removal of top soil;
- removal or treatment of contaminated soil;
- excavation of trial holes;
- dynamic compaction;
- general site servicing works (e.g. roadways)

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 the commencement of work on the first of the buildings within the application which determines whether all the building work can take advantage of the transitional provisions, not each individual building.

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.gsi.gov.uk.

Yours faithfully

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

R J Ledsome

Deputy Director

Technical Policy Division
Building Safety Portfolio