



Llywodraeth Cymru  
Welsh Government

**Number: WG48805**

## Welsh Government Consultation – summary of responses and Government response

# New Build Developments: delivering gigabit capable connections

November 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh  
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg /  
We welcome correspondence and telephone calls in Welsh

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# 1. Introduction

- 1.1 This report provides a summary of the responses to the consultation; “New Build developments: delivering gigabit capable connections”. It is structured around the questions associated within section 2 (Questions 1 to 22) as set out in the consultation.
- 1.2 The views reported in this summary are those expressed by the respondents to the consultation and do not necessarily reflect those of the Welsh Government.

## **Building Regulations**

- 1.3 Building Regulations control certain types of building work, principally the erection and extension of buildings and provision or extension of certain services or fittings, chiefly to ensure that buildings meet certain standards of health, safety, welfare, convenience and sustainability.
- 1.4 Compliance with the Building Regulations is the responsibility of the person carrying out the work and the building control system helps to ensure that the required level of performance has been met. The role of a building control body, either the local authority or a private sector Approved Inspector, is to act as an independent third-party check to help achieve compliance. As an alternative to third-party checking by building control, some types of work may be self-certified as being compliant by installers who are registered as a member of a competent person self-certification scheme and have been assessed as competent to do so.
- 1.5 Building Regulations greatly influence how our buildings are constructed and used. As such, they help to deliver significant benefits to society. Regulation can also impose costs on both businesses and individuals. The “functional” nature of the Building Regulations, by having regulation setting out the broad requirements rather than prescribing how it must be achieved, seeks to allow flexibility and ensure innovation is not hindered. Guidance in the Approved Documents that accompany the Regulations then sets out some of the ways that these requirements can be met although it does not have to be followed if the required level of performance can be shown to be achieved in a different way. This approach provides clarity for building control bodies and industry alike.

# 1.1 Consultation Responses - Overview

## The respondents

- 1.1.1 The Welsh Government issued a consultation paper entitled “New Build developments: delivering gigabit capable connections” on 3 February 2023. The consultation closed on 28 April 2023. The scope of the consultation was to seek views and gather further evidence on proposals to use the Building Regulations to require gigabit capable connections in all new homes across Wales. Draft Approved Documents were published with the consultation to set out the revised guidance for the proposed changes to Part R to the Regulations. The consultation stage Impact Assessment was also published and further evidence was sought to inform a final stage Impact Assessment.
- 1.1.2 The consultation generated 13 responses and we are grateful to all those who responded. All the consultation responses have been read and considered as part of this analysis.
- 1.1.3 Respondents who completed the consultation response form were asked to assign their organisation to one of fourteen types identified on the form (with a self-designated ‘other’ an additional option). Table 1 below shows the number of responses received from each sector. Of the 22 questions asked the respondents’ reply is summarised in Table 2:

**Table 1:**

Type of Organisation	Number of Respondents	%
Builder/Developer	1	8
Large Housing Developer	0	0
Small Housing Developer	1	8
Designer/Engineer/Surveyor	1	8
Local Authority Building Control	2	15
Approved Inspector Building Control	2	15
Construction Professional	0	0
Civil Engineer	0	0
Architect	1	8
Telecommunications Network Provider	2	15
Internet Service Provider	1	8
Mobile Network Operator	0	0
Other interested party (please specify)	2	15
<b>TOTAL</b>	<b>13</b>	<b>100</b>

**Table 2:**

<b>Question</b>	<b>Yes%</b>	<b>No%</b>	<b>Unsure%</b>
Q1: Are costs of providing the gigabit ready physical infrastructure element reasonable or will they prevent investment in new housing in Wales?	42	8	33
Q2: Will the proposals help ensure that gigabit-ready physical infrastructure is placed in the best location to connect to a network distribution point? If not, please explain why.	33	33	33
Q3: How common is it for third party land issues to prevent connectivity to new build homes and how are these issues resolved?			
Q4: Are there circumstances where it would be difficult to meet the gigabit-ready physical infrastructure requirements, and would these necessitate an exemption?	33	17	33
Q5: Do you anticipate any issues with the stepped approach to the gigabit-ready physical infrastructure requirements extending to the network distribution point? Please provide any comments/reasoning on your position.	50	33	8
Q6: Is the Universal Service Obligation an appropriate reference point for lower speed services?	33	33	33
Q7: The proposals provide no exemptions for developments within conservation areas. Do you agree with this and are there any other examples where exemptions should be considered and if so, what is the justification for these exemptions?	58	8	8
Q8: Do you agree that a material change of use or 'conversions' should not be included in the scope of the proposals? If not, why not?	25	58	17
Q9: Do you envisage any problems with the requirement to approach two suitable network operators for quotes and the criteria for a suitable network operator?	50	17	33
Q10: Is £2,000 the right amount for the cost cap given the higher costs of delivering gigabit capable broadband in Wales?	33	25	33
Q11: Do you agree with the criteria for calculating the cost cap? If no, please provide evidence.	25	25	42
Q12: Do you have any concerns about the content of the connectivity plan, including the requirement to approach two suitable network operators for quotes and the network operator's suitability, or recommendations for additions?	42	50	8
Q13: Do you have any concerns about extending the requirement for a connectivity plan to initial notices and amendment notices in addition to plans?	33	42	25
Q14: Do you have views on how inspection of the new physical infrastructure elements beyond in-building infrastructure to a network distribution point should be undertaken?	75	17	8

Q15: Do you have any specific comments on the content of the updated edition of Approved Document R, for example references to external guidance?	50	33	17
Q16: Do you agree with proposals to refer to Streetworks UK guidance for external gigabit-ready physical infrastructure in the Approved Document?	58	8	33
Q17: Do you agree with proposals and guidance for network termination points and the inclusion of best practice advice to improve connectivity within the individual dwelling?	58	33	8
Q18: Do you agree with proposals to include a two-part model form for the connectivity plan with the Approved Document?	67	8	25
Q19: If you have any further comments to make regarding the proposals please set them out here.			
Q20: Please provide any feedback you have on the impact assessment here, including the assumptions made and the assessment of the potential costs and benefits of the proposed options we have made.			
Q21: We would like to know your views on the effects that the proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?			
Q22: Please also explain how you believe the proposal could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.			

## Handling of responses

1.1.4 A standard response form was provided for ease of use, however, where respondents did not use the form, representations have been attributed to the most appropriate question. In addition, certain questions were designed to have three possible answers; yes, no, unsure. Where respondents have not answered with the standard responses proposed but have clearly indicated a clear position in their answer they have been assigned that response in the statistical analysis. For example, where a respondent used the phrase 'I support the proposal' their response was marked as yes. Where a clear response was not identifiable, answers were marked as 'did not respond' in the statistical analysis with the responses included in the summary of comments.

1.1.5 In table 2 above, where the 'Yes', 'No' and 'Unsure' responses do not equal 100 per cent, this is because one or more the respondents did not provide a response. Grey cells in the table indicate where a 'Yes', 'No' or 'Unsure' response was not required. One of the respondents provided a general narrative response which did not address the questions specifically and is not included in the above statistics.

## 2. Consultation responses – brief summary and Government response

### Requirement 1: gigabit-ready physical infrastructure

Q1: Are costs of providing the gigabit ready physical infrastructure element reasonable or will they prevent investment in new housing in Wales?

Summary:

There was a general consensus that the cost of providing the gigabit ready physical infrastructure was reasonable although there was a recognition that the costs associated with constructing new homes had increased over the previous twelve months.

There was a difference of opinion over whether the costs would prevent investment in new housing in Wales. One respondent stated that they did not believe the costs would prevent investment while another highlighted that additional costs when added to other requirements would impact the viability of building new homes and make it difficult to attract builders.

One respondent highlighted that ducting for fibre was not the sole solution to connectivity.

Q2: Will the proposals help ensure that gigabit-ready physical infrastructure is placed in the best location to connect to a network distribution point? If not, please explain why.

Summary:

There was a spread of opinion on whether the proposals would help ensure that gigabit ready physical infrastructure is placed in the best location with some respondents saying it would, others it wouldn't and some unsure.

One responder highlighted that consideration should be given as to how engagement with a network provider by the developer as outlined in the approved document would be communicated to the building control body. Similarly, how the installation of infrastructure in a reasonably practical location to assist the network operator would be enforced with consideration given as to whether this should be included in the connectivity plan. In addition, consideration should be given as to how the location of the infrastructure should be marked where it does not reach the distribution point. The response also suggested that a competent person scheme should be explored.

Commenting on the presumption that fibre cables are the only medium to deliver connectivity another respondent highlighted that fixed wireless technologies are capable of delivering gigabit capability.



A further respondent highlighted what they perceived to be a lack of information in the approved document to assess if the infrastructure is deployed in the best place or about the quality of the installation itself. A response also highlighted that if there is an expectation that building control will carry out physical checks of the infrastructure, guidance would be needed in the approved document.

Q3: How common is it for third party land issues to prevent connectivity to new build homes and how are these issues resolved?

Summary:

It was highlighted that fixed wireless access (FWA) technologies are a solution where agreement to cross land with physical infrastructure is not possible. The need to cross third-party land is described as a rare occurrence. In some cases issues have not been experienced because the land being developed is adjacent to the public highway. There was a call for clarification in the responses as to whether public highway constituted a third party.

Q4: Are there circumstances where it would be difficult to meet the gigabit-ready physical infrastructure requirements, and would these necessitate an exemption?

Summary:

Given the very high proportion of new homes already being built with full fibre access there was a perceived risk that the proposals would simply be documenting a process which is already being undertaken with a consequent impact on the workload of the building control body. One respondent suggested it would be more cost-effective to assume that new build developments will ultimately have a gigabit capable connection.

Given that the building control body may not have the expertise to determine that a suitable infrastructure is in place further research should be undertaken into a competent person scheme. Further guidance on how the building control provider will validate the processes in the approved document and to assist in making decisions about exemptions should be considered. Further guidance would also be beneficial into what is defined as a major renovation with examples of where the cost of compliance would be disproportionate.

One respondent suggested that a dwelling number limit be introduced as significant costs may be incurred for single or self-build developments where there is no prospect of gigabit connectivity. Another suggested that any exemptions be tightly defined. Others recognised that difficulty in meeting gigabit ready infrastructure requirements would be a risk and it would be entirely dependent on local infrastructure being available.

Q5: Do you anticipate any issues with the stepped approach to the gigabit-ready physical infrastructure requirements extending to the network distribution point? Please provide any comments/reasoning on your position.

Summary:

Respondents were split between anticipating issues and not anticipating issues.

One respondent provided the same response as per question two, they highlighted that consideration should be given as to how engagement with a network provider by the developer as outlined in the approved document would be communicated to the building control body. Similarly, how the installation of infrastructure in a reasonably practical location to assist the network operator would be enforced with consideration given as to whether this should be included in the connectivity plan. In addition, consideration should be given as to how the location of the infrastructure should be marked where it does not reach the distribution point. The response also suggested that a competent person scheme should be explored.

A further respondent stated that the stepped approach is likely to involve a degree of subjectivity at times which may lead to disagreement. As set out in the response to question three, one respondent called for clarification in the responses as to whether the public highway constituted a third party.

There was a comment by one respondent around the need for guidance to building control bodies to assist them with the assessing the suitability of proposals, the application of the Electronic Communications Code and whether those bodies will have any influence over negotiations between the developers and network operators.

### **Government Response Q1-5**

We have been clear throughout our documentation including in the Approved Document that the requirements are technologically neutral and based on network performance, which includes gigabit capability from wireless technologies. It is expected that engagement between the developer and network provider will be communicated to the building control body via the connectivity plan. Compliance checking by the Building Control Body (BCB) is expected to be based on the detail given in the connectivity plan.

The Approved Document will be updated to indicate that infrastructure should be appropriately marked and recorded for future reference where it does not meet the distribution point.

In relation to expectations on inspections, we did/do not propose amending regulation 17 (Notice of commencement and completion of certain stages of work) of the building regulations 2010(as amended) to include building work relating to Part R, therefore, it will be for the building control body (LA or AI/BCA) to discuss and decide if any programme of inspections in relation to Part R are required with the developer. However, it is expected that LABC and AI officials will need to largely rely on network operators' notification to developers that external infrastructure and connections have been installed in accordance with the appropriate standards and are functional.

Whilst we recognise that developers are already in many cases installing gigabit ready infrastructure, the proposals would ensure that not only does this happen but it is also carried out in a consistent way.

Again, we recognise that the costs incurred by developers of single dwelling or small developments, there are exemptions built in where the cost cap is exceeded.

We have noted that this requirement could be part of a competent person scheme and considered. However, establishing a scheme would take a considerable amount of time, and delay implementation of the policy which would impact on connectivity for new dwellings. In addition, the requirements are technologically neutral and may be delivered differently by different network operators specific to an individual site.

Therefore, we believe it to be more appropriate for compliance to be assessed using the existing building control mechanisms.

It is intended to provide further guidance and clarity for building control bodies via a dedicated Part R circular and summary of stages document to be published on the Welsh Government webpages.

We believe the definition of the exemptions are well defined, but we will continue to monitor how the exemptions are implemented following the introduction of the proposals. Similarly, we do not believe that the stepped approach is subjective, the proposals require that developers obtain two quotes which will provide evidence as to whether each of the exemption criteria are met.

In terms of meeting gigabit ready infrastructure requirements being dependent on local infrastructure this is allowed for in section 1.14 of the draft Approved Document which states that: *“Where there is no likely future location of a network Distribution point that is closer to the Dwelling than an existing Distribution point and the developer cannot access land to a distant network Distribution point, the developer is required to install infrastructure to an Access point.”*

We do not envisage that building control bodies will need to be involved in the negotiations between the developer and the communications network provider, unless a potential compliance query or issue is identified, and the advice of the building control body is needed.

## **Requirement 2: gigabit-capable connection**

### **Scope of the new requirements: new build homes**

Q6: Is the Universal Service Obligation an appropriate reference point for lower speed services?

Summary:

Respondents were split on the answer and some unsure. One respondent argued that the USO is a service obligation and not an infrastructure obligation. Another suggested that the speed should be quoted directly i.e., 10Mbps. Others argued that the USO is outdated and that a Low Earth Orbit (LEO) satellite or FWA solution

would perform better and be more cost-effective than a fixed USO service. One respondent suggested there should be no lower speed services.

Q7: The proposals provide no exemptions for developments within conservation areas. Do you agree with this and are there any other examples where exemptions should be considered and if so, what is the justification for these exemptions?

Summary:

The vast majority who responded agreed there should be no exemptions for developments within conservation areas with one response highlighting that sites adjacent to areas of special interest may be more of an issue. Some responses indicated that planning approval/conditions needs to be considered when complying with the requirement.

Q8: Do you agree that a material change of use or 'conversions' should not be included in the scope of the proposals? If not, why not?

Summary:

The majority of stakeholders thought that conversions should be within the scope of the regulations. Of the responses that disagreed, some of them appreciated they would present more complex and unique challenges, and one response suggested that if it is too difficult then the cost cap would allow an exemption. Another response suggested a new definition that would capture any increase in the number of addressable premises where the requirements then apply.

Of the responses who agreed, one highlighted that a material change of use may not involve any external works and the impact of the requirements in terms of cost, time and resources might out-weigh the benefits.

### **Government Response Q6-8**

The USO provides a useful benchmark for minimum required speeds. It is set out in legislation and subject to review. Referencing the USO rather than a specific speed i.e. 10Mbps will ensure that requirements in these proposals change as the USO is amended rather having to be amended separately.

We consider that for all new dwellings having access to the best available connectivity is important and although achieving this in conservation areas may create some additional considerations in relation to complying with local conservation area conditions, we still consider a blanket exemption would needlessly exclude some new build homes from having gigabit-ready physical infrastructure installed. Therefore, we propose to proceed with no exemptions for conservation areas. Any new dwellings within conservation areas should be carefully planned between developers and network operators before being considered by the Building Control Body and the local planning authority on a case-by-case basis.

The majority disagreed with our proposal that dwellings formed by material change of use should not be included. We understand the rationale behind this and also

recognise the importance of connectivity to buildings outside the scope of these proposals, however, we feel that this may be better delivered via other interventions such as the Welsh Government Access Broadband Cymru grant scheme. The challenges of providing gigabit capable broadband are very different between new build and a material change of use. A material change of use can sometimes require very little alteration (if any) to the building and in particular may not involve any external building works.

There can be very wide variations in the amount of work or alterations needed when carrying out one material change of use from another, and limited information is currently available to undertake an assessment of the potential impact and the possibility of unintended consequences. No further information on the potential cost impact of undertaking these conversions is known and therefore, we still propose that new dwellings created through a material change of use (i.e. conversion) will not be included within the scope of the new requirements.

However, it should be noted that current Part R requirements will still require the installation of superfast-ready in-building physical infrastructure when an existing building (including an existing dwelling) is subject to major renovation works (which may be as part of a material change of use/conversion), so that the buildings have infrastructure capable of supporting superfast broadband connections.

Q9: Do you envisage any problems with the requirement to approach two suitable network operators for quotes and the criteria for a suitable network operator?

Summary:

Most respondents either envisage problems or were unsure. There were various concerns raised including that in some areas there would be only one network operator, some network operators would appear in most quotations which could distort the market and some developers may choose a lower speed connection.

One respondent highlighted difficulties experienced under similar regulations in England in obtaining quotes which delayed the submission of Initial Notices. They suggested that Initial Notices could be submitted highlighting that the connectivity plan is not yet available pending the receipt of the plan. Another respondent highlighted that there was no proposal for network operators to respond to developers promptly which may slow the process of submitting connectivity plans.

Further guidance was thought to be beneficial to outline how evidence will be provided to the building control body that a developer has consulted with a suitable operator.

Q10: Is £2,000 the right amount for the cost cap given the higher costs of delivering gigabit capable broadband in Wales?

Summary:

Slightly more respondents agreed than disagreed. One respondent quoted figures suggesting that £2,000 was below the maximum contribution that had been identified

in real examples. Another respondent suggested that the figure was a little high and others suggested that it might easily be exceeded in remote areas. A further respondent argued that a £2,000 contribution would be a greater overhead on a lower priced home and suggested that the cost cap could be based on anticipated sale price.

Q11: Do you agree with the criteria for calculating the cost cap? If no, please provide evidence.

Summary:

There was a split between respondents on the criteria for calculating the cost cap. There was a suggestion from one respondent that the cost of provision should be met through Government funding and another that the cost cap be variable based on the network operator contribution. One respondent stated that they could not find any reference on how to calculate the cost cap within the Approved Document.

Consideration should also be given to how inflation will be considered within any cost cap calculation. Another respondent stated that they do not have the data to be able to verify the criteria for calculating the cost cap.

### **Government Response Q9-11**

Comments regarding potential delays to the submission of the Initial Notices are addressed in response to questions 12 and 13 below.

Evidence will be provided to the building control body that a developer has consulted with a suitable operator through the connectivity plan.

A variable cost cap would be complex and difficult to set and enforce on a development-by-development basis. There was a suggestion that the cost of provision be met by Government and while Government does intervene in the market to provide connectivity this is only where there is demonstrable market failure to do so.

In relation to inflation and the cost cap, this is something that will need be considered periodically when the approved document is reviewed. Although these proposals will be introducing new requirements for developers, the vast majority of dwellings currently being developed are already in receipt of gigabit connectivity, therefore we only expect the cost cap exemption to be applicable to a small percentage of new dwellings.

### **Process and procedure**

Q12: Do you have any concerns about the content of the connectivity plan, including the requirement to approach two suitable network operators for quotes and the network operators suitability, or recommendations for additions?

## Summary:

The slight majority answered no to this question. For those that answered yes, there were concerns raised regarding potential delays for submitting initial notices, that network operators are not obliged to supply a quote, and the complexity and user friendliness format of the connectivity plan.

One response asked for further guidance within the approved document on the expected evidence needed and how this will be enforced by building control in practice. Another said the role of the building control body is not clear and is the building control body expected to contact all network operators in their local area to determine the extent of their coverage.

Q13: Do you have any concerns about extending the requirement for a connectivity plan to initial notices and amendment notices in addition to plans?

## Summary:

A slight majority answered no to this question. Of those who answered yes, there were similar concerns to those already raised in question 12 such as the potential delays for submitting initial notices due to no formal timescale for network operators to reply with quotes and are not obliged to formally reply to a request for a quote. However, from the network operator viewpoint a concern was raised that requests for the quotes need to be made in a timely manner and not last minute to enable submission of an application.

Another concern raised was in relation to clarity around the content of Initial Notices and the Local Authorities ability to not accept them if there is no connectivity plan provided with the notice. Linked to this is a concern that local authorities should not be expected to check connectivity plans supplied with an initial notice without reimbursement.

Q14: Do you have views on how inspection of the new physical infrastructure elements beyond in-building infrastructure to a network distribution point should be undertaken?

## Summary:

Of those that supplied a response, repeated concerns were raised in relation to the need for further information/guidance on the expected extent of any inspection of elements beyond the in-building infrastructure.

Limited building control expertise in this area was highlighted, and that building control bodies are unlikely to see much on site as contractors will want to cover over the excavations as soon as they can for safety and programming reasons.

One reply suggested that operators should notify the developer at the point they have completed their activity and are ready to hand off the work. Developers could use this notification as a demonstration that the work has been completed to the necessary standards.

Another responded that the technology is changing, such as gigabit wireless technology.

There was also a request for clarification regarding if works associated with Part R are considered commencement of works under the building regulations.

## **Proposed statutory guidance (approved document R)**

### **Government Response Q12-14**

The aim of the proposals was to ensure the process for installing gigabit-capable broadband is as simple as possible for developers, mirroring as it does the process to evidence compliance with other Building Regulations 2010 requirements. The aim is also to ensure developers engage with network operators at the earliest point to ensure a new build home development can be furnished with connectivity efficiently.

Although a slight majority had no concerns about the content of connectivity plan, the concerns that were raised in Q12 to 14 are noted and we propose some amendments to the proposals in order to mitigate these concerns (keeping the above aims in mind) by:

- Removing the requirement to submit a 'connectivity plan' with full plan applications, building notices, initial notices or amendment notices provided to a local authority. However, to ensure that connectivity is still sufficiently planned for all new build homes at an early stage, the connectivity plan is to be submitted to the building control body prior to commencement of building work, rather than on submission of application (the developer may wish to submit at this stage if completed). This will allow applications to be submitted where developers are awaiting a response from network operators, but still require submission of the plan before commencement of any building work.

- Introducing a requirement to submit a 'connectivity statement' with full plan applications, building notices, initial notices or amendment notices provided to a local authority. The details required within a 'connectivity statement' will be which network operator(s) have been contacted in relation to providing gigabit capable connections together with evidence from the network operator of receipt (e.g. email confirmation of receipt). A connectivity statement form will be added to the appendix of the final approved document. The aim of the 'connectivity statement' is to still ensure early communication between developer and network operator(s) and will remind developers that a connectivity plan is required before commencement on site.

- Consideration of further guidance for the building control body via a dedicated Part R circular and summary of stages document to be published on the Welsh Government webpages.

In relation to expectations on inspections, we did/do not propose amending regulation 17 (Notice of commencement and completion of certain stages of work) of the building regulations 2010(as amended) to include building work relating to Part R, therefore, it will be for the building control body (LA or AI/BCA) to discuss and



decide if any programme of inspections in relation to Part R are required with the developer. However, it is expected that LABC and AI officials will need to largely rely on network operators' notification to developers that external infrastructure and connections have been installed in accordance with the appropriate standards and are functional.

There was also a concern from one respondent of the role of the building control body and if they will need to contact all network operators in their area. This is expected to be a role for the developer and not the building control body. The developer is expected to contact network operators and complete and submit connectivity statement/plan with supporting information. The building control body role is to take the requisite information into account before approving, rejecting or conditionally approving the submitted information.

Local authorities will not need to ensure a completed 'connectivity plan' is provided with an initial notice, and it is the responsibility of the appointed building control body (approved inspector/local authority) to determine compliance with Part R for any connectivity plans provided with an initial notice. However, as noted above, a completed 'connectivity statement' will be required on submission of an initial notice to the local authority (as with full plan applications or building notices to the local authority).

Q15: Do you have any specific comments on the content of the updated edition of Approved Document R, for example references to external guidance?

Summary:

A number of specific comments were received in relation to the draft Approved Document R Including;

- sealing physical infrastructure against rodent entry into the building should be controllable (regulation 7) and guidance provided in the Approved Document.
- The 'interactions' with other parts of the Building Regulations are added to the 'introduction' section of both Approved Documents;
- Drafting issue in Section 3 of Approved Document R Volume 1, where many of the sub-paragraphs do not commence with the letter (a)
- further guidance to indicate what technical specifications are required below ground.

Other comments received not specific to Approved document R included:

- this could this be continued or evolved into a competent persons scheme.
- references should only be made to freely available standards.

Q16: Do you agree with proposals to refer to Streetworks UK guidance for external gigabit-ready physical infrastructure in the Approved Document?

Summary:

The majority of responses agreed with the reference to Streetworks UK guidance. Comments from responses who answered no or unsure, included:

- The guidance prejudices a specific technology and therefore it should be broadened.
- Further guidance for the building control body on assessment of beyond building infrastructure.
- The guidance in the Streetworks UK should not be referred in Approved Document R as guidance for the purposes of Sections 6 and 7 of the Building Act 1984 – it is not technical in nature and does not cover matters that should be enforceable under Building Regulations.

Q17: Do you agree with proposals and guidance for network termination points and the inclusion of best practice advice to improve connectivity within the individual dwelling?

Summary:

The majority agreed with proposals and guidance for network termination points and the inclusion of best practice advice. Of the comments received one highlighted that retrofit of gigabit infrastructure is not normally disruptive for residents. In respect of the draft Approved document R volume 1, there was a comment around further guidance for on the minimum requirements for the fixed electrical network termination point and associated distribution equipment, and moisture ingress and airtightness. In relation to references, one comment suggests the NHBC report NF67 is reviewed to ensure it contains the most up to date references, and another suggests that following best practice should be a legal requirement.

Q18: Do you agree with proposals to include a two-part model form for the connectivity plan with the Approved Document?

Summary:

The vast majority agreed with proposals to include a two-part model form for the connectivity plan. One respondent who answered yes also recommended further clarification on what information building control bodies should expect to receive in respect of evidence. One respondent who answered unsure explained that the connectivity plan is complex and may be reformatted as a flow chart with tick boxes. They also commented that an alternative format to pdf would be helpful.

### **Government Response Q15-18**

A number of comments were received in relation Approved Document R. With regard to sealing the infrastructure, this would be expected in accordance with Part L (guidance in Approved Document L1 appendix H) for the building, particularly with new dwellings which would also be subject to air permeability testing. However, we will as another comment suggested include a section on key interactions with other parts of the Building Regulations at the beginning of the document which will help highlight the other parts of the building regulations that need to be considered. We will also ensure any formatting and numbering issues are resolved in the final version.

We have noted that this requirement could be part of a competent person scheme and considered. However, establishing a scheme would take a considerable amount of time, and delay implementation of the policy which would impact on connectivity for new dwellings. In addition, the requirements are technologically neutral and may be delivered differently by different network operators specific to an individual site. Therefore, we believe it to be more appropriate for compliance to be assessed using the existing building control mechanisms.

Q19: If you have any further comments to make regarding the proposals please set them out here.

Summary:

Of those that responded, there was concern in relation to the potential transitional provisions if they follow the same approach as the recent Part L changes (i.e. per building and therefore potentially applying to individual buildings which have not commenced on older applications) where the Part R requirements could cause problems. Another response considers that the introduction of these requirements as an opportune moment to repeal the ability for a building notice to be submitted for new build dwellings.

### **Government Response Q19**

Given the proposed Part R requirements will also need infrastructure external to the building, it is not proposed that the transitional arrangements for the Part R amendments applies to individual buildings on a site. Where a building notice, initial notice or full plans application is submitted to the local authority before the coming into force date, transitional arrangements should apply. This means that the existing Part R requirements and guidance would apply to that work. We propose that building work must commence on the site within the building notice/plans to benefit from the transitional arrangements (rather than apply to an individual building as they do for the Part L 2022 amendments in Wales). Guidance on commencement of building work can be found in the Welsh Government building regulation circular number: WGC/007/2016.

The consultation did not propose to repeal the use of a building notice for new dwellings, and there are no current plans for this.

Q20: Please provide any feedback you have on the impact assessment here, including the assumptions made and the assessment of the potential costs and benefits of the proposed options we have made.

Summary:

Of the comments received, one thought that the £2,000 max cost cap is more than fair value to developers based on even the most conservative added value to the property, with reference to the LSE (London School of Economics) 2014 study on the impact of fast broadband on house prices. Another highlighted that in paragraph 5.1 of the Impact assessment, the Annual mid-scenario costs are closer to £23,000 than the £22,000 figure presented.

One respondent highlighted that a simple template to allow quick assessment of where a connection is not obviously possible. However, this comment appears to be in relation to the connectivity plan rather than the Impact assessment.

### **Government Response to Question 20:**

The Impact assessment presents a necessarily broad assessment of impacts, based on assumed development costs. Using this basis the impact assessment is an indicative representation of the likely effect of the proposed changes.

We are grateful for the comments and feedback, we will adjust paragraph 5.1 as suggested and also consider referencing the LSE 2014 study in refining the final impact assessment. The final impact assessment will be published alongside the amendment regulations and associated guidance.

Q21: We would like to know your views on the effects that the proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Summary:

Of the comments received there were none which highlighted any negative effects. One response suggested that mandating fibre into new builds and conversions would help support the Welsh Government's target of seeing 30% of workers working remotely, and an increase in remote working could allow Welsh language users to spend more time in their local communities and with their families, in turn helping the language to flourish. Other responses did not believe this will have a negative impact on the Welsh language, while others suggested they were unable to comment in this area.

Q22: Please also explain how you believe the proposal could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Summary:

Of the responses received, there were no suggestions on how the proposals could be formulated or changed.

### **Government Response to Questions 21 and 22:**

The Welsh language is a strategic priority for the Welsh Government and its vision is to see the language thrive. To help achieve this the Welsh Language Standards are a set of legally binding requirements which apply to the Welsh Government. All

Building Regulations documents are considered against the standards and published accordingly.

## **3.0 Next Steps**

- 3.1 The Approved Documents will be finalised and regulations drafted in line with the Government responses to each chapter/question. We estimate the amendment regulations and associated guidance will be published in early 2024.