



Ein cyf/Our ref

20 April 2020

Dear Sir or Madam

Application of the Building Regulations during the coronavirus (COVID-19) outbreak.

**Building Act 1984
Building Regulations 2010
Building (Approved Inspector etc) Regulations 2010**

Temporary healthcare buildings

In response to the corona virus (COVID 19) outbreak building work is being carried out at pace across the country to support the Welsh Government's fight against the virus. This building work includes the creation of new healthcare accommodation through temporary buildings and buildings undergoing a change of use.

There may be a need to erect temporary accommodation to provide medical care, treatment, or for other supporting services. It is important that this can proceed at pace without undue administrative burden to allow the erection of any such required temporary buildings as a matter of urgency and without any unnecessary delay.

We recognise that the current situation throws up unprecedented challenges for building control. We appreciate and thank building control bodies for the way in which they are responding. There is a balance to be drawn between enabling building work to continue where it is safe to do so, for those working on site and for building control surveyors and

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

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Llywodraeth Cymru / Welsh Government
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Approved Inspectors checking compliance, but also to ensure that work continues to meet Building Regulations' requirements.

Regulation 12 of the Building Regulations (Giving of a building notice or deposit of plans) still applies, although we recognise it may not be practical to deposit plans in advance of the work. If those carrying out work have not been able to notify the work in advance, local authorities should seek to issue regularisation certificates as quickly as possible, using Regulation 18 of the Building Regulations.

Building control bodies should take a pragmatic and proportionate approach to what is reasonable provision to meet the applicable requirements of Schedule 1 in these circumstances. Close liaison between the Building Control bodies, persons undertaking the building work in relation to temporary healthcare buildings and the Fire and Rescue Service is essential to demonstrate that any temporary buildings can be operated safely.

Regulation 11 (1) of the Building Regulations allows local authorities to dispense or relax requirements in particular cases. Local authorities are advised to take a pragmatic approach to procedural requirements and should not cause undue delay to works starting for temporary health care buildings. We encourage local authorities to be flexible if they receive any such requests, noting that any relaxations should not compromise essential health and safety requirements, and that alternative ways to comply with Schedule 1 of the Building Regulations may be feasible.

Where an approved inspector is the building control body, the approved inspector and local authority should work together to ensure that the building work can continue, noting that any relaxation or dispensation should not compromise essential health and safety requirements.

Guidance for building control bodies on operating during the coronavirus (COVID-19) pandemic (non-healthcare related buildings)

For all building work being carried out during the coronavirus (COVID-19) outbreak, building control bodies should, where possible, check regularly with those carrying out the work including its current status and any plans to continue work.

We recognise that it may be difficult in the current circumstances for local authorities to meet the statutory deadlines set in the Building Act for considering deposited plans. Local authorities should continue to assess deposited plans on their merits and ensure also that the Fire and Rescue Services continue to be consulted in good time where plans cover buildings in scope of the Fire Safety Order.

Similarly, Approved Inspectors should ensure that the statutory requirements to consult with fire and rescue authorities and sewerage undertakers continue to be met and that adequate time is allowed for the fire and rescue authority and sewerage undertaker to respond.

We recognise that building control bodies will not be able to undertake normal on-site inspection activity while social distancing measures are in place. Building control bodies should be ready to use alternative methods of checking compliance, for example using digital photographs and, video or other remote means of checking compliance, taking account of the nature of the work and the associated levels of risk. On-site inspection should continue to be considered where it is feasible. Remote inspections may be used for low risk buildings and works that can be verified appropriately using digital methods. Building owners may be looking to occupy parts of a buildings even if work on the rest of the building has stopped. In these cases, building control bodies can issue a partial completion

¹ Article 3 of the Regulatory Reform (Fire Safety) Order 2005

or final certificate, provided that sufficient evidence has been sent to the building control body.

Local authorities should take a flexible approach in accepting extensions from approved inspectors in regards to Regulation 17 of the Building (Approved Inspectors etc) Regulations 2010 when receiving partial or full final certificates.

Building control bodies should ensure that key fire safety information is passed over to the responsible person¹ when issuing either a full/partial final or completion certificate, in accordance with Regulation 38 of the Building Regulations.

Building control bodies should also take necessary steps to monitor which buildings are occupied that have a partial, final or completion certificate and follow up at a later date to work with the building owner to obtain a final or completion certificate.

Further information

For the most up to date information for businesses operating during the coronavirus (COVID-19) outbreak, please see the Welsh Government's website:

<https://gov.wales/guidance-employers-and-businesses-covid-19>

Enquiries

This guidance for building control bodies will be kept under review.

Telephone enquiries on this Circular Letter should be addressed to Building Regulations on 03000 628144 and all e-mail enquiries to enquiries.brconstruction@Gov.Wales

Yours faithfully,

A handwritten signature in black ink that reads "Francois Samuel". The signature is written in a cursive style with a large initial 'F'.

Francois Samuel
Head of Building Regulations

¹ Article 3 of the Regulatory Reform (Fire Safety) Order 2005