



Department for
Communities and
Local Government

Part R of the Building Regulations: Physical Infrastructure for High Speed Electronic Communications Networks

Requirement R1 – In-Building Physical Infrastructure



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November 2015

ISBN: 978-1-4098-4718-2

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The consultation process and how to respond

Basic Information

To:	This is a public consultation and it is open to anyone with an interest in these proposals to respond.
Body responsible for the consultation:	The Department for Communities and Local Government is responsible for the policy and the consultation exercise.
Duration:	The consultation will run from 30 November 2015 to 11 January 2016.
Enquiries:	Email: Building.Regulations@communities.gsi.gov.uk

How to respond:	Responses to this consultation should be submitted through the online capture form available at: https://www.surveymonkey.com/r/PartR. The questions in this document represent those in the data capture form.
After the consultation:	A summary of responses to the consultation will be published.

Confidentiality and data protection

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act 2000, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, in itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested.

Help with queries

Questions about the policy issues raised in the document can be sent to the contact given in the 'How to respond' section above.

A copy of the Consultation Principles Guidance is at:

<https://www.gov.uk/government/publications/consultation-principles-guidance>

Are you satisfied that this consultation has followed these principles? If not or you have any other observations about how we can improve the process please email: consultationcoordinator@communities.gsi.gov.uk

or write to:

DCLG Consultation Co-ordinator, 2 Marsham Street, London, SW1P 4DF.

Background

1. The Government has a Manifesto commitment to ensure that, from 2017, 95% of the United Kingdom should have access to super-fast broadband. Super-fast is defined by the Government as speeds in excess of 24 Mbps.
2. The European Commission also sets broadband targets for all Member States. In the 2014 Broadband Cost Reduction Directive¹ the Commission set out specific infrastructure requirements aimed at increasing broadband speeds and provision across the European Union. The Commission defines a 'high-speed' network as being capable of delivering access speeds of at least 30 Mbps.
3. The Directive requires implementation of a range of measures that aim to reduce the cost of rolling out networks, by promoting deployment over existing physical infrastructures (both telecoms and a range of other infrastructure sectors), and requiring coordination of civil works that use public funding (Articles 3 and 5). There are complementary requirements to share certain minimum information about existing physical infrastructure and about planned civil engineering works (Articles 4 and 6).
4. The Directive also requires a four month deadline for certain permits (Article 7) and creation of a 'single information point' to provide information on permits and direct users to minimum information provided under Article 6. New buildings and major renovations must include a minimum standard of in-building physical infrastructure (Article 8) and providers of high-speed networks must have certain rights to access this infrastructure (Article 9). Most of these measures require dispute resolution functions and appeal to a court (Article 10).

Purpose of consultation

5. This consultation is concerned with the implementation in England of Article 8 of the Directive.
6. Article 8 requires that all new buildings, and major renovations, have the necessary in-building physical infrastructure to enable connections to super-fast broadband. The full text of Article 8 is set out in Annex B.
7. Article 8 does not require that buildings are connected to broadband services. The requirement is to provide in-building physical infrastructure (e.g. ducts and distribution) to enable broadband services to be easily connected to the building. The purpose of Article 8 is that buildings should be equipped to receive broadband (an access point) and in larger multi-dwelling buildings to provide ducting to allow cables carrying the broadband signal to be fed to the individual

¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0061>

units of the building. The provision of the cables in the ducting is not a matter for the transposition of Article 8.

8. The remainder of Directive 2014/61/EU will be implemented at a UK level, and a [separate consultation](#) has been issued by the Department of Culture, Media and Sport.

Implementation through the Building Regulations

9. In England, the Government proposes to implement European requirements for broadband in-building physical infrastructure through the Building Regulations. The Regulations offer an established route for setting requirements for buildings. The intention is to transpose European requirements into the Building Regulations as closely as possible.
10. Once requirements are set in the Building Regulations, developers will be required to ensure that all new buildings (subject to exemptions – see section 10 below) have the necessary in-building physical infrastructure to enable those buildings to be connected to super-fast broadband services.
11. It will fall to building control bodies to ensure that the requirements of the Regulations have been met.
12. The Regulations will set functional requirements for in-building physical infrastructure for superfast broadband. Developers will be free to decide the most appropriate way of meeting the regulatory requirements for all buildings. The proposed requirement is below:

PART R PHYSICAL INFRASTRUCTURE FOR HIGH-SPEED ELECTRONIC COMMUNICATIONS NETWORKS

In-building physical infrastructure

R1

(1) Building work must be carried out so as to ensure that the building is equipped with a high-speed-ready in-building physical infrastructure, up to a network termination point for high-speed electronic communications networks.

(2) Where the work concerns a building containing more than one dwelling, the work must be carried out so as to ensure that the building is equipped in addition with a common access point for high-speed electronic communications networks.

Requirement R1 applies to building work that consists of–

- (a) the erection of a building; or
- (b) major renovation works to a building.

Approved Document

13. The Government is publishing a draft version of an Approved Document (AD) alongside this consultation paper. The guidance in the AD is aimed at giving developers, particularly smaller developers, advice on demonstrating compliance with regulatory requirements for in-building physical infrastructure.
14. In particular, the AD includes schematic diagrams demonstrating how single and multi-dwelling buildings can comply through the provision of an access point, ducting and network termination points.
15. The Approved Document also includes an appendix of key terms.
16. We welcome views on the Approved Document – particularly whether it would be helpful to include any other information to support developers.

Single dwellings

17. Single buildings should have an access point linked by ducting to a network termination point. Diagrams 1(a) and 1(b) in the Approved Document show schematics of two possible arrangements for the physical infrastructure:
 - a. Where the access point is on an outside wall and connected by a through-wall duct to the network termination point;
 - b. Where the access point is below ground and remote from the building, inside or outside the curtilage, and connected by a below-ground duct to the network termination point.

Multiple-dwelling buildings

18. In multiple-dwelling buildings, each dwelling should have an access point linked by a through-wall duct to a network termination point. In addition, there should be a main access point for the whole building, and dedicated, enclosed, vertical and horizontal service routes so that service providers can make connections from the main access point to the network termination point in each dwelling.

Major renovations

19. Under the Directive's requirements, where a major renovation of a building or multi-dwelling building takes place, then the developer will be required to meet Article 8 requirements (subject to exemptions in section 10 below).

20. Major renovation works are defined as *‘works at the end-user’s location encompassing structural modifications of the entire in-building physical infrastructure or a significant part thereof’*.

Exemptions from requirements

21. The European Directive allows for exemptions from requirements to provide the necessary in-building physical infrastructure for broadband.
22. The Government wants to consider the case for exemptions and is using this consultation to ask for further evidence on any other categories of development that may require an exemption from requirements.
23. The Government are proposing that the following categories of building and work are exempt from requirement R1:
- a. buildings and work described in Classes 2 to 7 of Schedule 2 (exempt buildings and work) to the Building Regulations
 - *for example, sheds, domestic greenhouses, garages, conservatories and other small detached buildings with no sleeping accommodation*
 - b. buildings where compliance with Requirement R1 would unacceptably alter their character or appearance, and which are:
 - (i) listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990, or
 - (ii) in a conservation area designated in accordance with section 69 of that Act, or
 - (iii) included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological areas Act 1979
 - c. buildings occupied by the Ministry of Defence or the armed services of the Crown, or otherwise occupied for purposes connected to national security
 - d. single dwellings situated in isolated areas where the prospect of high-speed connection is considered too remote to justify equipping the building with high-speed-ready in-building physical infrastructure or an access point
 - *for example, areas that are so isolated that no duty is placed on a communications provider to meet the cost of installing a telephone line to the dwelling*
 - e. major renovation works in cases in which the cost of compliance with Requirement R1 would be disproportionate to the benefit gained
 - *for example, major renovation works to buildings which incur a significant cost and where high-speed broadband would bring no business benefits, or where most of the occupants have no use or need for high-speed broadband*

Impact Assessment

24. The Government is publishing a consultation stage Impact Assessment alongside this consultation paper. The Impact Assessment is based upon three principal assumptions:
- that although there is a difference between European and United Kingdom definitions of 'super-fast', all the main ways of delivering broadband to buildings (copper or fibre solutions) are capable of delivering in excess of 30 Mbps, when linked to appropriate (external) infrastructure;
 - the regulatory costs associated with the implementation of the Directive are extremely low, as there will be very few occasions when the necessary in-building infrastructure to enable connections to super-fast broadband is not already intended to be provided in new buildings and major renovations;
 - that the main impact of setting Building Regulations requirements could be on self-build or small scale development, but even then the impacts would be limited.
25. The Government welcomes further evidence to inform a final stage impact assessment. In particular, we welcome views from self-build and smaller developers as it may be on this sector that the impact of regulation is felt.

Timing and next steps

26. The UK Government must ensure that proposed regulations implementing the Directive are in place in 2016 and come into force in January 2017. The provisions of Article 8 therefore need only apply to buildings for which a Building Regulations application has been submitted after 31 December 2016.

Devolved Administrations

27. Responsibility for implementing Article 8 in Northern Ireland, Wales, Scotland and Gibraltar rests with relevant devolved administrations which will be making their own arrangements to implement Article 8 in their territories.

Annex A - Summary of Consultation Questions

- Q1.** Do you agree with the Government's view that the Building Regulations are the most appropriate mechanism for delivering European requirements for providing in-building physical infrastructure for superfast broadband?

Yes

No

If you do not agree, is there another approach that you consider to be more suitable?

- Q2.** Is the proposed guidance in the Approved Document clear and fit for purpose?

Yes

No

If you think the guidance could be improved, please suggest how.

- Q3.** The diagrams in the draft Approved Document are illustrative only. Are they accurate and do they provide sufficient detail?

Yes

No

If you think the diagrams could be improved, please suggest how.

- Q4.** Some of the definitions of key terms in Appendix A of the draft Approved Document – for example of 'major renovation works' – are abridged versions of those in the Directive. Are the definitions accurate and clear?

Yes

No

If you think the definitions could be improved please suggest how.

- Q5.** Do you agree with the proposed exemptions to the requirement for providing in-building physical infrastructure for superfast broadband set out in paragraph 1.1 of the Approved Document?

Yes

No

If you do not agree, please provide your reasons.

- Q6.** Are there additional exemptions that you feel should be considered?

Yes
No

If you have further suggestions for exemptions, please provide evidence.

Q7. Do you agree with the assumptions, costs and impacts set out in the Impact Assessment?

Yes
No

If you do not agree, please provide supporting evidence.

Q8. Please set out any additional comments you have below.

Annex B – Article 8 of 2014 Broadband Cost Reduction Directive

Article 8

In-building physical infrastructure

1. Member States shall ensure that all newly constructed buildings at the end-user's location, including elements thereof under joint ownership, for which applications for building permits have been submitted after 31 December 2016, are equipped with a high-speed-ready in-building physical infrastructure, up to the network termination points. The same obligation applies in the event of major renovation works for which applications for building permits have been submitted after 31 December 2016.
2. Member States shall ensure that all newly constructed multi-dwelling buildings, for which applications for building permits have been submitted after 31 December 2016, are equipped with an access point. The same obligation applies in the event of major renovation works concerning multi-dwelling buildings for which applications for building permits have been submitted after 31 December 2016.
3. Buildings equipped in accordance with this Article shall be eligible to receive the voluntary 'broadband-ready' label in Member States that have chosen to introduce such a label.
4. Member States may provide for exemptions from the obligations provided for in paragraph 1 and 2 for categories of buildings, in particular single dwellings, or major renovation works in cases in which the fulfilment of those obligations is disproportionate, such as in terms of costs for individual or joint owners or in terms of type of building, such as specific categories of monuments, historic buildings, holiday homes, military buildings or other buildings used for national security purposes. Such exemptions shall be duly reasoned. The interested parties shall be given the opportunity to comment on the draft exemptions within a reasonable period. Any such exemption shall be notified to the Commission.