Office of the
Deputy Prime Minister
Creating sustainable communities

The Building Regulations 2000
The Building (Approved Inspectors etc) Regulations 2000

Resistance to the passage of sound

E

AMENDMENTS 2004

to Approved Document E (Resistance to the Passage of Sound)

Coming into effect 1 July 2004

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Introduction

The current edition of Part E in Schedule 1 to the Building Regulations 2000 (as amended) came into force on 1 July 2003. At the same time a new regulation 20A was introduced into the Building Regulations 2000, and a new regulation 12A was introduced into the Building (Approved Inspector etc) Regulations 2000. Regulations 20A and 12A introduced pre-completion testing for sound insulation as a means of demonstrating compliance. Pre-completion testing has applied to rooms for residential purposes, houses and flats formed by conversion of other buildings since 1 July 2003, and it will apply to new houses and flats from 1 July 2004. Also, from 1 July 2004, use of robust details in new houses and flats will be accepted as an alternative to testing.

Robust details are high performance separating wall and floor constructions (with associated construction details) that are expected to be sufficiently reliable not to need the check provided by pre-completion testing.

The introduction of robust details has necessitated the amendment of regulations 20A and 12A. The amendments have been made by the Building (Amendment) Regulations 2004 and the Building (Approved Inspector etc) (Amendment) Regulations 2004. Regulations 20A and 12A are reproduced in Approved Document E, 2003 Edition; and so amendments to that Approved Document are needed to pick-up the changes.

Section 0 of Approved Document E, 2003 Edition, has also been amended to explain the use of robust details.

The 2003 edition of Part E introduced a new class of dwelling known as a *room for residential purposes*, which covers hostel types of accommodation and hotel rooms. The expression “room for residential purposes” is defined in Regulation 2 of the Building Regulations 2000 and the definition is reproduced in Approved Document E, 2003 Edition. However, the definition has been interpreted in different ways by building control bodies, particularly in respect of student halls of residence, and it has, therefore, been clarified, by means of the Building (Amendment) Regulations 2004.

A number of errors have been found in Approved Document E, 2003 Edition, and also some guidance that is unclear.

This Amendment document sets out the text of the amended regulations 20A and 12A, the clarified definition of *room for residential purposes*, and also amendments, corrections and clarifications to the text of Approved Document E, 2003 Edition. This document is approved by the Secretary of State from 1 July 2004.

Buildings Division
Office of the Deputy Prime Minister
June 2004

Amendments, clarifications and corrections to Approved Document E 2003 Edition

Page 6

Interpretation (Regulation 2)

Replace with the following:

""room for residential purposes" means a room, or a suite of rooms, which is not a dwelling-house or a flat and which is used by one or more persons to live and sleep and includes a room in a hostel, an hotel, a boarding house, a hall of residence or a residential home, whether or not the room is separated from or arranged in a cluster group with other rooms, but does not including a room in a hospital, or other similar establishment, used for patient accommodation and, for the purposes of this definition, a "cluster" is a group of rooms for residential purposes which is -

(a) separated from the rest of the building in which it is situated by a door which is designed to be locked; and

(b) not designed to be occupied by a single household;."

Page 6

(Amendments relate to Part C not Part E)

Requirements relating to material change of use (Regulation 6)

In paragraph (1)-

(a) in sub-paragraph (a), after "B5 (access and facilities for the fire service)", add "C2(c) (interstitial and surface condensation)";

(b) in the same sub-paragraph, after "F1" delete the words "and F2";

(c) after sub-paragraph (c) insert-

"(cc) in the case of a material change of use described in regulation 5(a), (b), (c), (d), (g), (h), (i) or, where the material change of use provides new residential accommodation, (f), C1 (2) (resistance to contaminants);".

(d) in sub-paragraph (d), for the words "C4 (resistance to weather and ground moisture)", substitute "C2 resistance to moisture)".

Sound insulation testing (Regulation 20A)

Replace with the following:

"20A. (1) Subject to paragraph (4) below, this regulation applies to—

(a) building work in relation to which paragraph E1 of schedule 1 imposes a requirement; and

(b) work which is required to be carried out to a building to ensure that it complies with paragraph E1 of Schedule 1 by virtue of regulation 6(1)(e) or 6(2)(b).

(2) Where this Regulation applies, the person carrying out the work shall, for the purpose of ensuring compliance with paragraph E1 of Schedule 1 -

(a) ensure that appropriate sound insulation testing is carried out in accordance with a procedure approved by the Secretary of State; and

(b) give a copy of the results of the testing referred to in sub-paragraph (a) to the local authority.

(3) The results of testing referred to in paragraph (2)(a) shall be -

(a) recorded in a manner approved by the Secretary of State; and

(b) given to the local authority in accordance with a paragraph (2)(b) not later than the date on which the notice required by regulation 15(4) is given.

(4) Where building work consists of the erection of a dwelling-house or a building containing flats, this regulation does not apply to any part of the building in relation to which the person carrying out the building work notifies the local authority, not later than the date on which he gives notice of commencement of the work under regulation 15(1), that for the purpose of achieving compliance of the work with paragraph E1 of Schedule 1, he is using one or more design details approved by Robust Details Limited (a), provided that-

(a) the notification specifies -

(i) the part or parts of the building in respect of which he is using the design detail;

(ii) the design detail concerned; and

(iii) the unique number issued by Robust Details Limited in respect of the

specified use of that design detail; and

(b) the building work carried out in respect of the part or parts of the building identified in the notification is in accordance with the design detail specified in the notification.

(a) A company incorporated under the Companies Act 1985 (c.6) with the registration number 04980223".

Page 7

Sound insulation testing (Regulation 12A)

Replace with the following:

"12A. (1) Subject to paragraph (4) below, this regulation applies to—

(a) building work in relation to which paragraph E1 of schedule 1 to the Principal Regulations imposes a requirement; and

(b) work which is required to be carried out to a building to ensure that it complies with paragraph E1 of Schedule 1 to the Principal Regulations by virtue of regulation 6(1)(e) or 6(2)(b) of those regulations, which is the subject of an initial notice.

(2) Where this Regulation applies, the person carrying out the work shall, for the purpose of ensuring compliance with paragraph E1 of Schedule 1 -

(a) ensure that appropriate sound insulation testing is carried out in accordance with a procedure approved by the Secretary of State; and

(b) give a copy of the results of the testing referred to in sub-paragraph (a) to the approved inspector who gave the initial notice.

(3) The results of testing referred to in paragraph (2)(a) shall be -

(a) recorded in a manner approved by the Secretary of State; and

(b) given to the approved inspector in accordance with paragraph (2)(b) not later than 5 days after completion of the work to which the initial notice relates.

(4) Where building work consists of the erection of a dwelling-house or a building containing flats, this regulation does not apply to any part of the building in relation to which the person carrying out the building work notifies the approved inspector prior to commencement of the building work on site that, for the purpose of achieving compliance of the work with paragraph E1 of Schedule 1 to the Principal Regulations, he is using one or more design details approved by Robust Details Limited (c), provided that-

(a) the notification specifies -

(i) the part or parts of the building in respect of which he is using the design detail; and

(ii) the design detail concerned; and

(iii) the unique number issued by Robust Details Limited in respect of the specified use of that design detail; and

(b) the building work carried out in respect of the part or parts of the building identified in the notification is in accordance with the design detail specified in the notification.

(c) A company incorporated under the Companies Act 1985 (c.6) with the registration number 04980223".

Historic buildings

After (d) add:

(e) Vernacular buildings of traditional form and construction.

Page 8
Paragraph 0.2

Replace with the following:

"0.2 Regulation 20A of the Building Regulations 2000 (as amended) and Regulation 12A of the Building (Approved Inspectors etc) Regulations 2000 (as amended) apply to building work to which Requirement E1 applies, and require appropriate sound insulation testing to be carried out. The exception is that, in the case of new-build houses and buildings containing flats, Regulations 20A and 12A do not apply to any relevant part of the building where the design embodies a design detail or details from the set approved and published by Robust Details Ltd; a valid notification is given to the building control body; and the actual work complies with the detail or details specified in the notification. Subject to this exception, which is further explained in *Annex E: Design details approved by Robust Details Ltd*, Regulation 20A applies where building control is being carried out by a local authority, and Regulation 12A applies where it is being carried out by an Approved Inspector. The normal way of satisfying Regulation 20A or 12A will be to implement a programme of sound insulation testing according to the guidance set out in Section 1: Pre-completion testing, of this Approved Document. It is possible for a builder to opt to use design details approved by Robust Details Ltd in some only of the relevant separating structures in a new house or building containing flats, with the other relevant separating structures remaining subject to testing under Regulation 20A or 12A. However,

it is recommended that expert advice is taken to ensure compatibility of the constructions."

Page 8
Paragraph 0.4

At the end of the paragraph, add the following sentence:

"The ODPM also regards members of the ANC Registration Scheme as suitably qualified to carry out pre-completion testing."

Page 9
Paragraph 0.9

In line 5, after residential purposes, insert

"(including extensions),".

Page 12
Paragraph 1.8

Replace with the following:

"Testing should not be carried out between living spaces and: corridors, stairwells or hallways".

Page 37
Paragraph 2.152

Replace with the following:

"There are no restrictions on internal framed walls meeting a type 4 separating wall."

Paragraph 2.153

Replace with the following:

"There are no restrictions on internal masonry walls meeting a type 4 separating wall."

Page 39
Table 3.1

Replace the heading on the right hand side "Separating wall type" with the following:

"Separating floor type"

Page 40
Note under Diagram 3-2

Replace "section 2.3" with "section 2.4".

Page 41
"Do not" box

Replace b. with "Do not use non-resilient floor finishes that are rigidly connected to the floor base".

Paragraph 3.29

Replace with the following

"3.29 Floor type 1.1C *Solid concrete slab (cast in-situ, with or without permanent shuttering), soft floor covering, ceiling treatment C (see Diagram 3-3)"*

Delete ")" at the end of the first bullet point.

Page 46
Paragraph 3.67

Replace the first paragraph with the following:

"Floor type 2.1C *Solid concrete slab (cast in-situ, with or without permanent shuttering), floating floor, ceiling treatment C (see Diagram 3-12 and 3-13)"*

First bullet point

Replace with the following:

- "minimum mass per unit area of 300kg/m^2 (including shuttering only if it is solid concrete or metal), and including any bonded screed."

Page 51
Paragraph 3.124

Replace with the following:

"The adjacent leaf of a cavity separating wall should be lined with an independent panel as described in wall type 3."

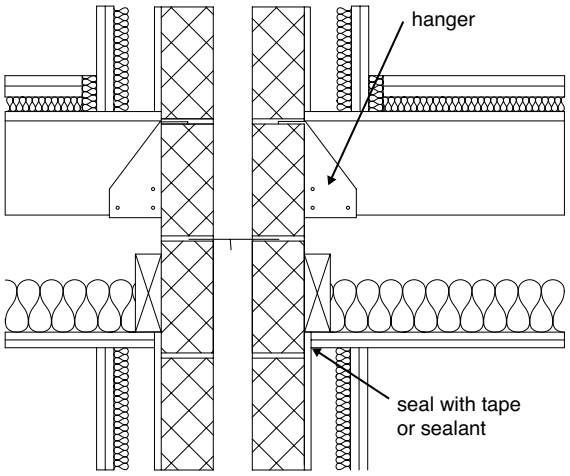
Paragraph 3.126

Replace with the following:

"Where the mass per unit area of the adjacent leaf is greater than 375 kg/m^2 the independent panels are not required."

Page 52
Diagram 3-23

Diagram 3-23: **Floor type 3 – wall type 2**



Page 55
Paragraph 4.24

In the third bullet point, replace “25 mm” with “35 mm”.

Page 61
Paragraph 5.20

Replace the last bullet point with the following:

- “internal wall type D should not be used as a load bearing wall connected to a separating floor, or be rigidly connected to the separating floors described in this Approved Document. See the guidance in Section 3.”

Page 62
Paragraph 5.23

Replace the first bullet point with the following:

- “floor surface of timber or wood based board, minimum mass per unit area 15 kg/m^2”

Note under Diagram 5.7

Replace “section 2.3” with “section 2.4”.

Page 63
Paragraph 6.3

In line 5 replace “Table 1a” with “Table 1b”.

Paragraph 6.8
First bullet point

Replace with

- **“Floor type 1.1C** Solid concrete slab (cast in-situ, with or without permanent shuttering), soft floor covering, ceiling treatment C”

Page 71
Annex B, Paragraph B1.4

After “...for field measurements”. insert:

“The ODPM also regards members of the ANC Registration Scheme as suitably qualified to carry out pre-completion testing.”

Annex E

DESIGN DETAILS APPROVED BY ROBUST DETAILS LTD

Robust Details Ltd is a non-profit distributing company, limited by guarantee, set up by the house-building industry. Its objectives are broadly to identify, arrange testing and, if satisfied, approve and publish design details that, if correctly implemented in separating structures, should achieve compliance with Requirement E1. They also carry out checks on the performance achieved in practice.

The robust design details are available in a handbook, which may be purchased from Robust Details Ltd. The company can be contacted at: PO Box 7289 Milton Keynes, Bucks, MK14 6ZQ; telephone 0870 240 8210; fax 0870 240 8203; e-mail administration@robustdetails.com; website www.robustdetails.com

Although the design details are in the public domain, their use in building work is not authorised unless the builder has registered the particular use of the relevant design detail or details with Robust Details Ltd and obtained a unique number or numbers from the company. Each unique number identifies a house or flat in which one or more of the design details are being used.

The system of unique numbers make possible an essential part of Robust Details Ltd's procedures for ensuring that design details it has approved deliver reasonable sound insulation performance in practice. Robust Details Ltd carry out a programme of checks on a proportion of cases where approved design details are used.

Under Regulation 20A(4) of the Building (Amendment) Regulations 2004 and Regulation 12A(4) of the Building (Approved Inspector etc) (Amendment) Regulations 2004, the requirement for appropriate sound insulation testing imposed by Regulations 20A and 12A does not apply to parts of the building which would otherwise be subject to the testing requirement where all the following apply:

a. the building work consists of the erection of a new dwelling-house (i.e. a semi-detached or terraced house) or a building containing flats;

b. the person carrying out the building work notifies the building control body before the start of building work on site that, in a specified part or parts of the building he is using one or more specified design details from those approved by Robust Details Ltd. In a case where building control is being carried out by the local authority, the notification must be given not later than the date on which notice of commencement of construction is given under Regulation 15(1) of the Building Regulations 2000;

c. the notification specifies the unique number or numbers issued by Robust Details Ltd in respect of the specified use of the design detail or details;

d. the building work carried out in respect of the part or parts of the building identified in the notification is in accordance with the design detail or details specified in the notification.

If the notification is late, or if it does not specify the relevant part or parts, the design detail or details in question and the unique number or numbers, the part or parts of the building in question *are subject to sound insulation testing under Regulation 20A or 12A in the usual way.*

If the notification is itself valid but the work is not carried out in accordance with the design detail or details, the relevant separating structures become subject to sound insulation testing under Regulation 20A or 12A. It would be open to the builder to take remedial action such that the building control body was satisfied that the work has been brought into compliance with the specified detail or details. *With that exception, testing under Regulation 20A or 12A would be needed on all structures that have been subject to a valid notification under Regulation 20A(4) or 12A(4) but which in the opinion of the building control body have not then been constructed in accordance with the specified detail or details.*

It should be noted that the compliance of work with a robust detail, in circumstances where the correct procedures have been followed to attract exemption from PCT, is not a "deemed to satisfy" condition. The underlying requirement remains to achieve compliance with Part E1. The guidance in Approved Document E is that compliance will usually be established by the measured performance of the structure. Therefore it would be open to anyone, e.g. a homeowner, who considered that a party structure does not comply with Part E1, to seek to establish that by the carrying out of tests. It would **not** be a defence for the builder to show that he had correctly carried out a design detail approved by Robust Details Ltd, if the structure's measured performance is shown not to meet the performance standards in Approved Document E.

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