



# Deregulation Act 2015

## 2015 CHAPTER 20

### *Housing and development*

#### **42 Optional building requirements**

After section 2A of the Building Act 1984 insert—

##### **“2B Optional requirements**

- (1) Building regulations made by the Secretary of State in relation to England may include a requirement that applies only where a planning authority makes compliance with the requirement a condition of a grant of planning permission.
- (2) In the following provisions of this section, a requirement included in building regulations by virtue of subsection (1) is referred to as an “optional requirement”.
- (3) Building regulations may specify that an optional requirement is capable of applying only in respect of development of a kind described in the regulations.
- (4) Building regulations may specify conditions that must be satisfied before a planning authority may make compliance with an optional requirement a condition of the grant of planning permission.
- (5) Building regulations may specify the steps that a planning authority must take to inform a person subject to an optional requirement of the requirement.
- (6) Where building regulations include an optional requirement that would (to any extent) be inconsistent with another requirement imposed by the regulations, the building regulations must provide—
  - (a) that the other requirement does not apply in any case where the optional requirement applies, or
  - (b) that the other requirement applies in any such case with modifications specified in the regulations.
- (7) In this section —

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*Status: This is the original version (as it was originally enacted).*

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“development” has the same meaning as in the Town and Country Planning Act 1990 (see section 55 of that Act);

“planning authority” means—

- (a) a local planning authority within the meaning of that Act (see section 336(1));
- (b) the Secretary of State (in the exercise of functions of granting planning permission);

“planning permission” has the same meaning as in that Act (see section 336(1)).”