

*These notes refer to the Deregulation Act 2015 (c.20)  
which received Royal Assent on 26 March 2015*

## **DEREGULATION ACT 2015**

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### **EXPLANATORY NOTES**

#### **COMMENTARY ON SECTIONS**

##### ***Section 42: Optional building requirements***

199. The Building Act 1984 empowers the Secretary of State to make building regulations establishing the standards to be met by building work. Local planning authorities meanwhile have been including in their development plans requirements for dwellings to comply with further standards drawn from sources other than building regulations. There are over a hundred such standards. This multiplicity creates burdens of cost, bureaucracy and delay in the house building process. After a review and consultation, the government has decided that so far as is practicable all necessary technical housing standards should be included in the main building regulations.
200. Where there is a need for provision to deal with local circumstances, the government's policy is that building regulations should provide for optional requirements. In some cases these may be different, more demanding, requirements than those that apply generally for a matter dealt with in building regulations. In other cases it may be that a matter is not subject to any requirements unless the optional requirement is invoked. Local planning authorities will be able, where circumstances justify it, to make it a condition of planning permission for developments that they comply with one or more such optional requirements, which will then apply to the development as building regulations requirements, and be inspected and enforced as such. The Secretary of State will have the same power in the exercise of functions of granting planning permission, which arise principally on appeal to the Secretary of State or when the Secretary of State calls in applications for planning permission made to local planning authorities.
201. The section establishes the necessary powers for the Secretary of State to make building regulations provisions in the form of optional requirements that become binding requirements when included as a condition of planning permission. It makes no provision in relation to planning policy. That aspect of the housing standards policy is dealt with by written ministerial statements. The policy on housing standards has been developed for England, and the power will be available to the Secretary of State only when making building regulations for England.
202. The section forms part of the law of England and Wales but applies to England only. It comes into force on the day on which the Act is passed.