***Approved Inspector Notices - Inclusion of optional building regulations requirements***

Changes to the Building Regulations 2010 and Building (Approved Inspector) Regulations 2010, which came into force on 1st October 2015 allowed for ‘optional requirements’ under the Building Regulations to be set by planning conditions.

Legally the ‘person carrying out the work’ must notify their building control provider in writing if optional requirements apply, allowing Building Control to check the application to the higher standards.

This led to changes to Initial Notice, Plans Certificate, Amendment Notice and Final Certificate forms which are used by Approved Inspectors when notifying the Local Authority. These forms can be accessed from our Building Regulations 2015 update page within the document ‘Statutory Amendments’. Below is an extract from a DCLG Circular dated the 27th March 2015, which outlined the changes:

***Approved inspector building control***

The forms in Schedule 1 to the Building (Approved Inspectors etc.) Regulations 2010 have all been amended and substituted to deal with optional requirements where imposed on dwellings. **The substituted Form 1 or Form 4 must be used in respect of all initial notices given on or after 1 October whether or not the building to which the forms relate is a dwelling**. Where a substituted initial notice form has been used any subsequent amendment notices, plans certificates and final certificates must also use the substituted Forms 2, 3 or 5. Failure to use the amended forms may result in a rejection by the local authority to which the notices/certificates must be sent.

Initial notices, amendment notices and plans certificates all make provision for whether the imposition of an optional requirement is known at the time the notice/certificate is given (and if so which) or whether this is not known because planning permission has not yet been granted. Where the notices/certificates concern a new dwelling it will be for the approved inspector to obtain this information from the person carrying out the work.

Where the information is not known at the time an initial notice, amendment notice or plans certificate is given, a supplementary statement (or an amendment notice) must be given to the local authority as soon as reasonably practicable after planning permission has been granted to set out whether an optional requirement has been imposed and, if so, which. These supplementary statements will form part of the public register held by local authorities under section 56 of the Building Act.

*Please note* that Form 4 (combined initial notice and plans certificate) cannot be used in respect of a dwelling where planning permission has not been granted before the form is given to the local authority.

Schedules 2 to 7 of the Approved Inspectors Regulations have all been amended to add to the reasons for rejection of notices/certificates by a local authority a failure to supply information relating to whether the building concerned is a new dwelling and, if so, whether an optional requirement applies.

***Completion/final certificates***

Regulation 4 of the Building Regulations has been amended to make it clear that where an optional requirement has been imposed the standard of compliance required in regulation 4(3) of the Regulations is the same as for the mandatory requirements. A local authority should not give a completion certificate under regulation 17 of the Building Regulations or an approved inspector a final certificate under section 51 of the Building Act unless satisfied that any optional requirement that has been imposed has been complied with.