

REPORT REFERENCE NO.	CSC/23/9
MEETING	COMMUNITY SAFETY COMMITTEE
DATE OF MEETING	8 SEPTEMBER 2023
SUBJECT OF REPORT	PLANNING AND THE ROLE OF THE FIRE & RESCUE SERVICE
LEAD OFFICER	Assistant Chief Fire Officer - Service Delivery
RECOMMENDATIONS	<i>That the report be noted.</i>
EXECUTIVE SUMMARY	This is an information paper to explain the planning process and how the fire and rescue service is consulted.
RESOURCE IMPLICATIONS	Business as usual. No resource request
EQUALITY RISKS AND BENEFITS ANALYSIS	N/A
APPENDICES	None
BACKGROUND PAPERS	None

1. PLANNING

- 1.1. Built development including new buildings, refurbishments, engineering operations and changes of use will require planning permission unless defined as 'permitted development' in legislation. Most decisions will be made by local planning authorities (LPAs), who are part of local authorities (county councils, district councils, unitary authorities, metropolitan districts, or borough councils)
- 1.2. When developers apply for planning permission for buildings or refurbishments, they have two options, namely:
 - They can seek a full planning permission from the local planning authority; or
 - they can first seek outline planning permission concerning the principle of development, then deal with the details by submitting a reserved matters application as a second stage.
- 1.3. After this, most non-minor development will need full plans permission from building control. After work starts the development will also be inspected by various consenting regimes in order to check work is being carried out in accordance with the approved plans. Following completion of the development, planning carry out monitoring and enforcement activities in response to reports of breaches of the permission.

2. ROLE OF THE FIRE AND RESCUE SERVICE

- 2.1. The Fire & Rescue Service can be consulted by both planning and building control to ensure that plans support the ongoing fire safety/ prevention agenda. As far as planning is concerned, this especially relates to access for firefighters, and water supply. Planning do not, however, have powers to sign off applications as fire safe (Fire Safety Order).
- 2.2. When a planning application is submitted to the local Planning Department the Fire Service may be consulted and where relevant, invited to make comment on the appropriate fire safety requirements for the application.
- 2.3. When there is a new development, both planning and building control may consult with the fire service. The Fire and Rescue Services Act 2004 says that:

“Fire and Rescue Authorities must provide “advice, on request, about:

 - how to prevent fires and restrict their spread in buildings and other property; and
 - the means of escape from buildings and other property in case of fire”.
- 2.4. Fire services do not have powers to refuse applications based on fire safety of building design or materials.

3. **ENGAGEMENT WITH DEVELOPMENT APPLICATIONS**

- 3.1. The main ways the Fire Service engages with development applications are:
- Considering access and facilities for the fire service, and water supply, in planning applications; and
 - Being consulted by building control on the details of how to deal with fires while they are burning, for example means of escape.
- 3.2. When Fire Services are sent applications, procedural guidance suggests allowing them 15 days to respond. However, they are not compelled to comment.
- 3.3. The main goal of providing advice to building control is to help the applicant ensure building work complies with the Regulatory Reform and Fire Safety Order (2005).

4. **DIVISION OF RESPONSIBILITY**

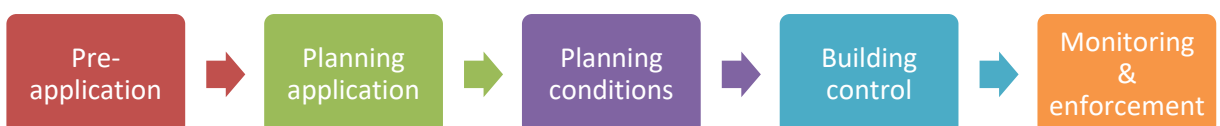
Building Control

- 4.1. Building control bodies are responsible for checking for compliance with the requirements of the Building Regulations. The Regulations are concerned with building work and with material changes of use (which may give rise to requirements for building work) and the requirements for fire safety will apply to most buildings. These requirements are intended to ensure that the necessary measures for the safe use of the building are incorporated into the design and construction of the building.

Fire Service

- 4.2. The fire safety enforcing authority is responsible for the enforcement of the Fire Safety Order, which concerns the safety of people in relation to the operation, management and use of certain buildings once occupied.
- 4.3. The Service was consulted on 1315 building regulation submissions in 2022-23 with over 99% being completed within the 15 day consultation period.

Summary of Process



- 4.4. Fire and Rescue Services may be approached for advice during the planning stages. Fire and Rescue Services are statutory consultees at the building control phase and the Fire Safety Order does not come into force until the building is occupied.

5. ADVICE

- 5.1. Dependent upon the type and size of the project, advice will concentrate on four key factors which are:

- Access and facilities for the Fire Service;
- Water supplies for Firefighting;
- Regulatory Reform (Fire Safety Order) 2005 ;and
- Goodwill Advice (including housing developments).

- 5.2. Each of these factors is addressed in more depth below.

6. ACCESS AND FACILITIES FOR THE FIRE SERVICE

- 6.1. If the application involves the construction of a building the applicant will be required to provide reasonable facilities for the Fire Service. In most circumstances this will mean providing vehicular access for fire appliances.

7. WATER SUPPLIES FOR FIREFIGHTING

- 7.1. The Local Government Association (LGA) / Water UK National Guidance Document details minimum flow rates and location of fire hydrants necessary for firefighting, in particular risk categories where new developments are under construction

8. REGULATORY REFORM (FIRE SAFETY ORDER) 2005

- 8.1. The Regulatory Reform (Fire Safety) Order applies to all premises apart from single private dwellings. Once the buildings are in use, they become subject to the Fire Safety Order, imposing requirements that may be additional to those of the Building Regulations

9. GOODWILL ADVICE (INCLUDING HOUSING DEVELOPMENTS)

- 9.1. Safeguarding people from the danger of fire in their homes and places of work is an emotive subject and unfortunately the fire services experience the consequences of failure on a regular basis. An example of goodwill advice might be to install sprinklers.

10. CHALLENGES

- 10.1. Planning consultations are becoming more complicated with emerging technologies, often with fire engineered solutions. This is an important and growing area of non-statutory work, but we must consider embedding in our FRS due to its importance on firefighter & community safety, operational and risk implications of some proposals, community and environmental impact.
- 10.2. Under the new Building Safety Regime, in scope (more than 6 storeys and over 18 m) will be required to go through the Building Safety Regime Gateway process and must provide a comprehensive fire strategy at planning stage.
- 10.3. The Department for Levelling up, Housing and Communities (DLUHC) are encouraging applicants to engage Fire and Rescue Services around Battery Energy Storage sites before submitting an application to local planning authorities. Applicants currently have no statutory requirement to engage with fire and rescue services other than this recommendation.

11. CONCLUSION

- 11.1. Fire and Rescue Services are generally consulted by both planning and building control. The planning applications need to consider both access for the fire service and access to water supplies. Both access for fire appliances and access to hydrants is a crucial element of fire service response to incidents.
- 11.2. Building control consultations seek advice from fire and rescue with regard to building design being compliant with the fire safety order.
- 11.3. Other considerations may include good will advice such as promoting the use of sprinklers in buildings both commercial and residential.
- 11.4. Although there are minimum requirements for fire safety it is important to promote best practice and highlight options that will further enhance fire safety in the built environment and the optimum conditions for operational response.

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