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National Fire
Chiefs Council

The professional voice of the
UK Fire & Rescue Service

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Planning Statutory Consultees – Fire and Rescue Authorities
Planning Directorate
Welsh Government
Cathays Park
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Sent via email to: planconsultations-f@gov.wales

21 October 2020

To the Welsh Government Planning Directorate,

Please find attached the National Fire Chiefs Council (NFCC) response to the Consultation '*Fire and Rescue Authorities becoming statutory consultees in the development management process*'.

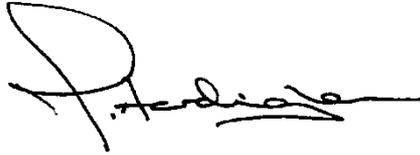
The NFCC is the professional voice of the UK fire and rescue services (FRS), and is comprised of a council of UK Chief Fire Officers. This submission was put together by the NFCC's Protection Policy and Reform Unit (PPRU), following engagement with Welsh FRS.

To summarise some of the key points covered within this submission, NFCC:

- supports the Welsh FRS request to be consulted at planning stage;
- believes there are clear safety benefits in considering fire safety matters at planning stage for 'major' planning applications. However, the consultation should be extended to include 'unique' developments which may include single private dwellings;
- supports the proposed thresholds to be used as a trigger for a consultation requirement where premises are in multiple occupation;
- acknowledges that the proposed changes would create additional work for fire and rescue authorities (FRAs) and therefore require a full impact assessment and additional resources; and
- believes that the implementation of any new consultation process should meet the requirements of both Equality and Welsh Language legislation.

We trust that the attached submission is helpful, and would welcome further discussions with your department following the outcome of the consultation.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Hardingham', with a stylized flourish at the end.

Mark Hardingham

**Cadeirydd, Pwyllgor Diogelwch a Diogelwch Busnes / Protection and Business
Safety Committee Chair**

Cyngor Penaethiaid Tân Cenedlaethol / National Fire Chiefs Council

Llais Proffesiynol Gwasanaeth Tân ac Achub y DU
The Professional Voice of the UK Fire and Rescue Service

Welsh Government Consultation Document - Fire and Rescue Authorities becoming statutory consultees in the development management process

Q1	Do you agree with our proposal to amend the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and the Developments of National Significance (Procedure) (Wales) Order 2016 to make Fire and Rescue Authorities statutory consultees? If not, why not?
<p>Yes. NFCC supports the Welsh FRSs request to be consulted at planning stage.</p> <p>NFCC's position on similar proposals in England resulted in a mixed response with a small majority of FRSs in favour of not being a statutory consultee at the planning stages (response to <i>Building a Safer Future</i> Q.2.5¹); this position recognised that as part of the English proposals, many of the amendments sought by FRSs such as the sanction for a 'hard stop' before building can commence, have been designed into the proposals for new checks and balances at Gateway 2 within the English draft Building Safety Bill.</p> <p>However, as part of our previous engagements, all three Welsh FRSs have expressed an opinion that they would prefer to be consulted, and NFCC notes the different context and settings which apply in Wales.</p> <p>Support for FRAs to become statutory consultees within this consultation is caveated with concerns that any such consultation should be worthwhile, not be overly burdensome in terms of FRA resources, and not result in a duplication of information that would be required for a building regulations application. Every effort should be made to ensure that the proposed process is as efficient and effective as possible so that FRA resources are not used unnecessarily to achieve the overall objective.</p> <p>The quality of the consultation response will be subject to the level of detail provided by the Planning Departments. Historically, the voluntary planning consultation documents received by Welsh FRAs have been limited in detail and include limited information relating only to aspects such as the address, written details of the proposal and an outline location plan. As a result, the consultation response has also been limited and includes details from Section B5 of Approved Document 'B'. As such, any response generally makes representation on access issues and water supplies for firefighting purposes. In the event of full detailed plans becoming a requirement of any future planning application, where a full fire safety assessment response under the consultation process is required, this will have the potential to create a duplication of work at Building Regulations approval stage.</p>	

¹ https://www.nationalfirechiefs.org.uk/write/MediaUploads/Consultations/NFCC_response_Building_a_Safer_Future_-_Final_-_31_July_2019.pdf

It is envisaged that there will continue to be a limit of what fire safety provisions can be commented on at planning stage. Therefore, consideration should be paid to formulating a standard consultation response document covering all aspects of fire safety that the applicant is required to act upon. This document should also meet the criteria of a 'substantive' response. Such a response, therefore, should be standardised across the three FRSs in Wales with the consultation document being reviewed at agreed intervals. South Wales Fire and Rescue Authority are willing to provide an example of a standard consultation document which will be suitable for use in the proposed process.

Taking the above into account, should FRAs in Wales become statutory consultees for planning applications, it should be ensured that there are sufficient benefits to justify the additional workload. If not, there will be a danger that any additional work created at Planning stage may be unnecessary and also, as stated above, create duplication of work at the Building Regulations approval stage.

Q2	Do you agree that the type of development proposed to be notified to Fire and Rescue Authorities is appropriate, and if not how should it change?
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Yes – there are clear safety benefits in considering fire safety matters at planning stage for 'major' planning applications. However, the consultation should be extended to include 'unique' developments which may include single private dwellings. For example, it was recently identified by a Welsh FRS a situation whereby a detached private dwelling located alongside a country lane, was not suitable for access by fire appliances and the distance fire crews would have to travel by foot was considered to be excessive. This would have inevitably resulted in a delay in any fire service response in an emergency situation. A consultation process in situations like this would clearly be beneficial.

Q3	Should the number of bedrooms where premises are in multiple occupation be used as a trigger for a consultation requirement? If not, why not?
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Yes – NFCC notes that hard trigger thresholds can lend themselves to gaming and are not in and of themselves an indicator of risk; however it is important to consider the fire safety of buildings at the earliest stage where larger numbers of people reside. In this regard we do support the use of 'bedroom' in this context to clarify the definitions of dwelling and residential unit proposed in relation to these types of building.

Q4	What impact do you think the proposed changes may have on resources within Local Planning Authorities?
<p>It is inevitable that any additional burden placed on a department will generate additional work and therefore additional resources will be required. There may also be a need to additional training and guidance for Local Planning Authorities to enable them to effectively assess applications and FRA responses to them.</p>	

Q5	What impact do you think the proposed changes may have on resources within Fire and Rescue Authorities?
<p>As stated in the answer to Q.4, it is inevitable that changes to the planning system will generate additional work for FRAs and therefore additional resources will be required. No estimates are provided on the likely number of new buildings per year this may apply to. An impact assessment should be carried out to determine the extent of what resources will be required to undertake planning consultations within the scope of the proposed consultation, should it be implemented.</p> <p>It may be that a pilot study should be carried out to trial the proposed recommendations in order to better understand the implications of any changes made on both FRAs and Local Planning Authorities. This would enable both the Planning Departments and FRAs in Wales to gather evidence so that detailed feedback can be provided to Welsh Government, informing on all progress made.</p>	

Q6	We would like to know your views on the effects that the proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?
<p>The implementation of any new consultation process should meet the requirements of both Equality and Welsh Language legislation.</p>	

Q7	Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.
<p>The implementation of any new consultation process should meet the requirements of both Equality and Welsh Language legislation.</p>	

Q8	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please report them.
<p>As above in light of the resourcing implications, NFCC notes that the proposals have not been accompanied by an impact assessment. NFCC trusts that further engagement will take place on a full impact assessment following the results of this consultation.</p>	