



**NFCC**  
National Fire  
Chiefs Council

The professional voice of the  
UK Fire & Rescue Service

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Housing, Communities and Local Government Committee  
House of Commons  
London  
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United Kingdom  
Sent via email to: [hclgcom@parliament.uk](mailto:hclgcom@parliament.uk)

29 October 2020

**Re: Call for Evidence: The future of the planning system in England**

To the Housing, Communities and Local Government Committee,

Please find the National Fire Chief Council's submission to the Call for Evidence on '*The future of the planning system in England*' attached. NFCC is mindful of the pressing need to produce sufficient new homes for our communities; in our view, there should not be a conflict between streamlined planning, sustainability, improved building standards and fire safety. We hope that our submission provides valuable assistance to the Committee as it scrutinises the policy objectives, key provisions and likely impact of the Government's proposals.

Kind regards,

**Roy Wilsher**

**Chair, National Fire Chiefs  
Council**

**Mark Hardingham**

**NFCC Protection and  
Business Safety  
Committee Chair**

**Dan Daly**

**NFCC Protection Policy  
and Reform Unit**

## The future of the planning system in England Response

### Lead Organisation

#### National Fire Chiefs Council (NFCC)

The NFCC is the professional voice of the UK fire and rescue services 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.

We trust our submission below is helpful, and welcome further discussion.

### Your role in lead organisation

Head of Protection Policy and Reform Unit

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### Is the current planning system working as it should do? What changes might need to be made? Are the Government's proposals the right approach?

#### *Interaction between planning and other regulatory functions*

NFCC believes the current system would be enhanced by ensuring the planning process and guidance is not carried out in isolation to other regulatory functions and supporting guidance, as they are inextricably linked. Planning is the initial stage for stakeholders and regulators to engage on the proposals of a wider regulatory regime.

NFCC believes it is necessary to highlight the misconception from applicants that planning permission is the only approval they need to build. Planning permission does not demonstrate compliance with the Building Regulations (as amended) or the Regulatory Reform (Fire Safety) Order 2005 (FSO). It also cannot be used to demonstrate compliance with new requirements proposed by the draft Building Safety Bill. After achieving planning permission, people should also consult a Building Control Body, however a number of owners/developers are not following this process.

The ongoing [Technical review of Approved Document B workplan](#) identifies many areas of research that will have an impact on planning proposals, and there are other Approved Documents e.g. parts F (ventilation) and L (conservation of fuel and power) that are also linked to fire safety as identified in our response to [The Future Homes Standard: 2019 Consultation on changes to Part L \(conservation of fuel and power\) and Part F \(ventilation\) of the Building Regulations for new dwellings](#). In addition, the current 3<sup>rd</sup> edition of the [National guidance document on the provision of water for fire fighting](#) is from 2007 and requires reviewing and updating to reflect current regulatory requirements and practices and to ensure that the guidance is fit for purpose.

Updated guidance to accompany the proposed changes to the planning framework should be explicit in outlining the requirements for the provision of suitable firefighting water / media,

as well as access and facilities for the FRS (which should be in accordance with the functional requirement B5 of schedule 1 of the Building Regulations 2010 (as amended)).

#### *Adequate firefighting water*

It is a major concern that housing estates are being built without provision for water for firefighting and those dwellings are being inhabited. Current guidance for the provisions for the supply of water for firefighting is too vague, deficient in ensuring appropriate water supply, and in need of updating.

NFCC believes that any revisions to the planning system aimed at streamlining approvals processes should be carried out with an overhaul of the guidance in the provision of water for firefighting. This is an area that requires fundamental revisions to include:

- An express requirement that all planning approval for buildings, no matter the size or usage, have an adequate water supply for firefighting. This would normally be provided by the provision of hydrant(s) attached to a suitable size main delivering an appropriate flow rate for firefighting, but may also be complemented or provided by automatic suppression systems, storage tanks, open water sources, or a combination.
- A requirement for adequate firefighting water provision to be included in Local Plans. It should be necessary for any Local Plans to include a confirmation that an adequate supply of firefighting water exists for any planning 'areas' which are to be designated for growth or regeneration. Where this cannot be confirmed, it should be highlighted for any development that this will need to be provided as part of the initial grant of outline planning permission. This may increase the resilience of the proposals for a Fire Statement outlined in the *Building a Safer Future*<sup>1</sup> report as it would ensure adequacy of water supplies for all developments, not just those within the scope of the future Building Safety Regulator.
- Better specification of appropriate pressures and flow rates.

Guidance accompanying the proposed changes to planning should be explicit in these provisions as currently these requirements are only outlined in Approved Document B in support of the Building Regulations. For instance, where growth areas are proposed, consideration of firefighting water supplies at the Building Regulations stage may be too late. As such, NFCC believes that guidance for planning should set out requirements in this area.

An express requirement should be introduced so that all planning approval for buildings, no matter the size or usage, have an adequate water supply for firefighting. We would also like to see a requirement for inclusion in Local Plans, that an adequate supply exists for any planning 'areas' which are to be designated for growth or regeneration.

#### *Reduction in timescales*

The move to a system where regulatory 'red tape' is reduced from 10 years to 30 months to meet a statutory timetable, is viewed with caution. This is particularly so where outline approval is considered automatically granted or where there would be a statutory presumption in favour of development being granted. There is the very real potential for

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<sup>1</sup> <https://www.gov.uk/government/consultations/building-a-safer-future-proposals-for-reform-of-the-building-safety-regulatory-system>

timeframes for effective consultation to be reduced to unrealistic levels with stakeholders' comments not being given due regard.

NFCC accepts the need for the provision of housing and infrastructure to be supported by a planning system that allows the delivery to be as succinct as possible through a simple, clear and consistent system, however, the system also needs to be robust to deliver the premises safely.

**In seeking to build 300,000 homes a year, is the greatest obstacle the planning system or the subsequent build-out of properties with permission?**

*Modern Methods of Construction*

NFCC acknowledges the need for new homes and the supporting infrastructure and for those premises to be constructed quickly and sustainably, however, this should not come at the expense of safety.

Premises need to be constructed to a safe and high standard, notwithstanding the need to create new homes quickly and sustainably. Modern methods of construction (MMC), encompassing different materials and methods, play a key part in providing this much needed housing and infrastructure. However, NFCC has concerns over some of these methods and how the proposed streamlined planning system changes may promote the issues identified below through a desire to achieve its goals.

There have been several high-profile fires across the country, e.g. Barking Riverside, Worcester Park and Beechmere care home in Crewe, where construction methods have been questioned.

The drive for sustainable and higher quality buildings must be balanced with the need to ensure that new and existing building stock achieves a high degree of fire safety.

The apparent lack of large-scale fire test research and data, coupled with a period where construction quality and competence has been acknowledged as questionable, does not provide us with confidence that all MMC are receiving the appropriate level of scrutiny needed for such new and innovative approaches. In our view, there should not be a conflict between streamlined planning, sustainability, improved building standards and fire safety. This not only feeds directly into the planning and design process but allows greater understanding of how the building will perform in fire, which in turn enables FRSs to develop their operational response.

National guidance e.g. the updated National Planning Policy Framework, National Design Guide, National Model Design Code and the revised Manual for Streets must contain appropriate information to inform all involved of the need to consider fire safety at the earliest opportunity.

**How can the planning system ensure that buildings are beautiful and fit for purpose?**

*Permitted Development Rights*

For buildings to be fit for purpose and safe, in addition to the needs for new quick and sustainable premises as highlighted previously, the conversion and addition to existing premises also needs to be considered.

The proposal to widen and change the nature of permitted development rights (PDR) is identified, enabling forms of development to be approved easily and quickly. However, NFCC has concerns over the application of PDR and potential safety deficiencies, specifically around the conversion of commercial premises to multiple residential buildings under PDR.

Experience of FRSs show such conversions have contributed to the number of buildings with fire safety issues. Therefore, an extension of PDR could inadvertently lead to a further increase in buildings with fire safety issues at a time when the regulatory system is struggling to deal with those already built.

The Independent Review of Building Regulations and Fire Safety found that the current regulatory system has deep flaws and is not fit for purpose. Recommendations accepted and adopted by the Government include that developers be required to submit 'fire statements' at planning stage setting out the fire safety considerations specific to the development with their planning application. The proposed reforms to the wider planning system seem to have excluded these considerations and come at a time when the system has been acknowledged as 'broken'.

One solution could be a requirement that the whole of a building under PDR comply with the Building Regulations, rather than just that part subject to actual building work under the current system. The commonly cited non-worsening provision is resulting in lost opportunities to improve building safety and is a feature of PDR where work will be carried out on existing premises.

For permitted developments, the planning stage should provide the initial opportunity for the FRS to raise concerns about a premises and engage with the applicant, including through Building Control Bodies. It is significantly easier for regulators to work with applicants if engagement takes place at this early stage, with their comments acknowledged and acted upon. This can again avoid the need for retrospective works or subsequent enforcement action. This would help to ensure that a design that may be replicated many times is safe to occupy in all instances of its use.

**What approach should be used to determine the housing need and requirement of a local authority?**

NFCC consider we are not best placed to answer this question.

**What is the best approach to ensure public engagement in the planning system? What role should modern technology and data play in this?**

*Digital approach*

NFCC considers the best approach is to ensure the planning system is freely accessible and provides a simple, clear, open, transparent and consistent approach to the presentation of all planning information.

NFCC supports the move to a digital first approach to modernisation of the planning system where consistent data to accurately inform, and related to planning applications, is made available as above. This will facilitate effective and efficient interrogation of the information and allow comments and observations to be made.

Where effective, this will support and inform the Golden Thread of building information at the earliest stages of development, allowing those responsible to effectively manage and maintain a premises' safely throughout its lifecycle. This will also support and inform the use of *British Standard 8644 Digital Management of Fire Safety Information for Design, Construction, Handover and Emergency Response. Code of Practice*, currently in development.

NFCC recommends that consideration is given to a digital system which preserves and / or links address data through the formal building design, approval, construction and occupation process: from planning through to the completed building via the Building Regulations stage. Ideally this would consist of address metadata, or a reference number similar to the existing unique premises reference number (UPRN), that clearly links through these formal stages, and which all agents (designers, approvers and consultees) can use in common. This will account for common building name and address modifications which occur through a premises planning, design, build, occupation and alteration cycle, and which would assist in the preservation and consistency of the Golden Thread of information required for all premises.

**How can the planning system ensure adequate and reasonable protection for areas and buildings of environmental, historical, and architectural importance?**

NFCC consider we are not best placed to answer this question.

**What changes, if any, are needed to the green belt?**

NFCC consider we are not best placed to answer this question.

**What progress has been made since the Committee's 2018 report on capturing land value and how might the proposals improve outcomes? What further steps might also be needed?**

NFCC consider we are not best placed to answer this question.