

The Planning Process and Fire

Purpose of Report

For direction.

Is this report confidential? No

Summary

This report outlines the LGA's research on the potential for fire and rescue services to have greater involvement in the planning process.

LGA Plan Theme: Championing climate change and local environments

Recommendation(s)

That the Committee give direction to officers regarding next steps on the issue of fire and rescue service's involvement in planning.

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Background

1. On 6 October 2023, the Fire Services Management Committee considered an item on climate change, reflecting on the 'climate change evidence session' that took place in September 2023.
2. In the climate change evidence session, members discussed the importance of the role of fire and rescue services in planning. There were concerns that the voices of fire and rescue services were not given sufficient prominence within the planning process. Members were keen to further explore this issue.
3. The Committee subsequently agreed that officers should 'engage with the other boards within the LGA, particularly the Local Infrastructure and Net Zero Board on issues affecting the fire service, including the fire service's role within planning and the potential fire risk impact from environment policies.

Current position

4. As instructed by members at the previous meeting, officers have met with colleagues from the LGA's Local Infrastructure and Net Zero Board and officers from the NFCC to discuss the current position of fire and rescue services in the planning process. The key issues were outlined as:
 - 4.1. Relationships between FRSs and planning departments
 - 4.1.1. There is an issue regarding the strength of relationships and communication channels between FRSs and planning departments. This difficulty is at least in part caused by a lack of mutual understanding between fire services and local authorities about each other's functions and processes. FRSs seem to have a poor understanding of the planning process and may be unaware of the appropriate time or approach to feed into the planning process. Concerns have also been raised regarding the lack of knowledge that planning departments have about risk, in particular, the risk of fire. Therefore, FRSs may not be consulted for developments with significant fire risks.
 - 4.1.2. Relationships between FRSs and planning departments may be stronger and easier to form within county services where both planning and the FRS are controlled directly by the county council.
 - 4.2. Nationally Significant Infrastructure Projects (NSIPs)
 - 4.2.1. Nationally Significant Infrastructure Projects (NSIPs) were introduced under the Planning Act 2008 to streamline the consenting process for

large scale infrastructure projects like power stations, wind farms and solar farms.

4.2.2. FRSs are able feed into the planning process of NSIPs through their involvement in Local Resilience Forums (LRFs). Officers are currently investigating the extent to which FRSs are currently engaged in this process.

4.2.3. The UK's energy infrastructure requires significant changes to allow the UK to meet the Government's net zero goals. We suspect that the input of FRSs in the NSIP planning process will be increasingly important as this work develops in the coming years.

4.3. Battery Energy Storage Systems (BESS)

4.3.1. There is a challenge around the extent to which FRSs should be consulted during the planning stage of BESS installation. As these systems contain large amounts of lithium ion, they can present a significant fire safety risk. The risk posed by BESS heavily depends on size and location.

4.3.2. The Department for Levelling Up, Housing and Communities (DLUHC) [released guidance on the planning process for the development of BESS](#). The guidance encourages applicants to 'engage with the relevant local fire and rescue service before submitting an application to the local planning authority' to ensure that emergency services access can be considered before an application is made. The NFCC have also [written guidance on BESS](#) for planning applicants.

4.3.3. The NFCC would like better consultation of FRSs in the planning process, specifically with regards to water supply and access as these factors have a significant impact on the service's ability to contain a potential fire.

4.3.4. The Government's guidance on BESS was welcomed by the NFCC but they are keen for the Government to release more guidance of this sort on similar issues.

4.4. Capacity issues

4.4.1. With FRSs being stretched in terms of budget, time, resource, and personnel, there are concerns regarding the amount of capacity that services would be able to devote to planning consultations.

4.4.2. There is a desire in the sector to have more involvement in planning but also a recognition that FRSs would not have sufficient resource to be consulted on every planning application.

4.4.3. If FRSs were to become statutory consultees, there may be particular issues with regional capacity. For example, if all FRSs were consulted on new developments that involved solar panels or BESS, this would put a greater strain on services with a greater number of these developments, such as those in rural areas. These regions often have smaller FRSs in comparison to metropolitan services. Therefore, there is a concern that the largest burden may be carried by services with the least resources.

4.4.4. The NFCC have emphasised the need to be strategic when thinking about how and where FRSs are involved in the planning process.

Opportunities for FRSs in Planning

5. Within the planning system, there are a number of statutory consultees who must be consulted in the planning process under certain circumstances. For example, the [Environment Agency must be consulted](#) on several types of planning application, including when a development is located within Coastal Change Management Areas or if the development may cause a flood risk.
6. There is an opportunity for LGA officers to open discussions with civil servants in DLUHC about the potential role of FRSs in the planning process. However, given the current work the Department is conducting on reform of the planning system, it is unlikely that a request for FRSs to become statutory consultees would be successful at this time.
7. In the spring/summer of this year, there will be a review of the National Planning Policy Framework. Currently, there is no mention of wildfire risk in the framework (through climate change is included) and therefore planning departments are not obliged to consider the risk of wildfire when awarding planning permission. This is a particular concern where rural and urban areas meet. When the review opens a consultation, there will be an opportunity for the LGA to give its views on what should be included.
8. Other consultations on planning policy will be issued later this year. These also represent opportunities for FSMC to feed in views on potential reforms in this area.

Implications for Wales

9. Fire and rescue related policy is a devolved matter and much of the Committee's work will focus on changes for FRAs in England, with the Welsh Local Government Association leading on lobbying for Welsh Fire and Rescue Authorities in Cardiff.

Financial Implications

10. The involvement of Fire and Rescue Services in the planning process may have financial implications, depending on the extent to which they are consulted. Officers will investigate how statutory consultees are currently remunerated for their work in the planning process.

Equalities implications

11. None

Next steps

12. Members to give direction on the extent to which they would like fire and rescue services to be involved in the planning process.
13. Members to give direction on which areas require further research and investigation.
14. Officers to continue to liaise with planning advisers within the LGA to better establish the current level of consultation sought from FRSs by planning departments for various types of development.
15. Officers to continue conversations with the NFCC to determine their views on the level of FRS capacity needed to be involved in various types of planning consultations.