



New Local Plan Review

Policy Formulation Report – October, 2022

Policy CD15: Fire Safety



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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1. INTRODUCTION

1.1 NEW LOCAL PLAN REVIEW

- 1.1.1 The Royal Borough of Kensington and Chelsea (RBKC) is undertaking a New Local Plan Review (NLPR) to ensure the Council has an up-to-date and fit-for-purpose Local Plan to guide the development of the borough and reflect our values.
- 1.1.2 The purpose of this Policy Formulation Report (PFR) is to demonstrate how Policy CD15: Fire Safety of the RBKC NLPR have been developed and evidenced to a level of detail which cannot be included in the NLPR document itself.

1.2 EXISTING LOCAL PLAN

- 1.2.1 The Council's adopted Local Plan does not contain a planning policy on fire safety.

1.3 KEY ISSUES AND POLICY DRIVER

- 1.3.1 For several years fire safety was only considered at the building control stage of a development scheme. Also, since the repeal of The London Building Acts 1930-1978 firefighting access to the site was not controlled by the Building Regulations. However, following the Grenfell Tower tragedy this approach is changing, and since 1 August 2021 planning gateway one has required high rise developments to ensure fire safety is considered at planning application stage through submission of a fire statement. The London Plan 2021 has also gone a step further requiring all major developments to demonstrate fire safety has been considered from the outset again through submission of a fire statement at planning application stage. The Council will ensure that the NLPR continues to build on this and introduce a fire safety policy that ensures all appropriate forms of development are required to consider fire safety at the earliest stage.

2. POLICY CD15: FIRE SAFETY

2.1 INTRODUCTION

2.1.1 Requiring development to meet the highest standards of fire safety is key to ensuring the safety of the Borough's residents. Planning Gateway One and the London Plan 2021 policy on fire safety (D12) both seek to ensure that relevant development schemes address fire safety at planning application stage rather than the issue being first considered at the Building Control stage, including firefighting access to the site, which goes beyond the current Building Regulations. The Council's NLPR represents an opportunity to introduce a local fire safety policy.

2.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

NATIONAL LEGISLATION, STRATEGIES AND POLICY

PLANNING GATEWAY ONE

2.2.1 Following the Grenfell Tower fire on 14 June 2017 the government commissioned the Independent Review of Building Regulations and Fire Safety led by Dame Judith Hackitt (known as the Hackitt Review). The report highlighted the need to transform the fire and building safety regime and recommended that *“some minimum requirements around fire safety will need to be addressed when local planning authorities are determining planning applications and will require input from those with the relevant expertise.”*

2.2.2 On 1 August 2021 new planning requirements known as planning gateway one¹ came into effect which ensure relevant high-rise developments consider fire safety at the earliest stages of planning. Developments involving high-rise residential buildings must demonstrate that they have been designed with fire safety in mind before planning permission is granted – including through their site layout – and with access provided for fire engines.

2.2.3 Planning gateway one has two key elements²:

- to require the developer to submit a fire statement setting out fire safety considerations specific to the development with a relevant application for planning permission for development which involves one or more relevant buildings, and
- to establish the Health and Safety Executive as a statutory consultee for relevant planning applications

2.2.4 Relevant buildings:

¹ [MHCLG & Rt Hon Christopher Pincher MP, Planning Gateway One, August 2021.](#)

² [DLUHC & MHCLG, Planning Practice Guidance: Fire safety and high-rise residential buildings \(from 1 August 2021\), August 2021.](#)

- contain two or more dwellings³ or educational accommodation and
- meet the height condition of 18m or more in height, or 7 or more storeys

2.2.5 Fire statements support the consideration of information on fire safety matters as they relate to land use planning matters (e.g. site layout, water supplies for firefighting purposes and access for fire appliances). The information provided within a fire statement should be focused and concise, specific and relevant to the development, and proportionate to the scale, type and complexity of the proposal. A fire statement should evidence that thinking on fire safety matters, as they relate to planning, has been incorporated into the planning application.

BUILDING REGULATIONS AND APPROVED DOCUMENT B

2.2.6 Building Regulations Approved Document B⁴ addresses fire safety precautions which must be adhered to, to ensure the safety of occupants, firefighters and those close to the building in the event of a fire. The document covers all standards related to this, including means of escape, the ability to internally isolate a blaze to prevent a fire from spreading, external fire spread, firefighter access within the site to the building and facilities provided therein, fire detection and warning systems in place within a building. It also addresses the internal spread of a fire due to the structure or lining used within a building and safety measures related to this.

2.2.7 Document B is separated into two volumes, volume 1 covers dwellings and volume 2 cover non-residential buildings. Both volumes address the same issues, but the information has been adapted for each type of structure, for example different guidance on escape routes depending on building type.

BRITISH STANDARDS INSTITUTION (BSI) BS 9991 AND BS 7974

2.2.8 Approved Document B covers ‘*some common building situations*’. Where building designs fall outside of this, British Standards provide guidance. Such standards can also be used to apply alternative solutions to the use of the Approved Document.

2.2.9 BS 9991⁵ is intended to help people put suitable fire safety measures in place in residential buildings, such as fire detection and alarm systems, fixed fire-fighting systems etc. It gives recommendations and guidance on the design, management and use of residential buildings so they achieve reasonable standards of fire safety for people who are in and around them and fire-fighters. It provides guidance on the management of fire safety during the whole lifecycle of a building. It applies to the design of new buildings, and to material alterations, extensions and material changes of use to existing buildings.

³ “Dwellings” includes flats, and “educational accommodation” means residential accommodation for the use of students boarding at a boarding school or in later stages of education (for definitions see article 9A(9) of the Town and Country Planning Development Management (England) Procedure Order 2015 as amended by article 4 of the 2021 Order.

⁴ [DLUHC & MHCLG Fire Safety: Approved Document B, August 2022.](#)

⁵ [BSI, BS 9991:2015 Fire Safety in the Design, Management and Use of Residential Buildings. Code of Practice, 2015.](#)

- 2.2.10 BS 7974⁶ provides a framework for an engineering approach to the fire safety of buildings, giving recommendations and guidance on applying scientific and engineering principles to the protection of people, property and the environment from fire. It applies to the design of new buildings and the appraisal of existing buildings. The practices included within the standard are applicable to all types of new construction and existing buildings. It is based on an approach to fire safety that focusses on the protection of people and property while showing sensitivity to the environment.
- 2.2.11 BS 7974 includes a qualitative design review process (QDR). This analytical process is a technique that allows fire safety engineers to consider the possible ways a fire hazard might arise and establish a range of strategies to maintain the risk at an acceptable level.
- 2.2.12 Whilst Approved Document B does not provide a threshold for buildings that fall outside the purview of ‘*some common building situations*’, BS 9991:2015 defines a threshold height for tall buildings of 50m. In such cases the guidance states a *qualitative design review in accordance with BS 7974 should be used*.
- 2.2.13 ‘*...the increased design demands on structural integrity, services, fire safety systems, means of fire-fighting and evacuation generated by buildings in excess of 50 m high might mean that specific evaluation of all fire safety provisions is needed using a qualitative design review in accordance with BS 7974. This is to determine whether the recommendations in BS 9991 are appropriate, or whether a full fire engineered solution is required.*’ (BS 9991:2015 0.7 Tall and very tall buildings)
- 2.2.14 *Therefore, where a residential building exceeds 50m high a QDR should be carried out to consider inter alia the suitability of a single stairway in such situations.*

REGIONAL POLICY, STRATEGIES AND GUIDANCE

LONDON PLAN 2021

- 2.2.15 The London Plan 2021⁷ was published in March 2021 and is legally part of RBKC’s Development Plan and must be taken into account when planning decisions are taken.
- 2.2.16 The London Plan 2021 introduced Policy D12 ‘Fire Safety’ in advance of the new national regulatory building safety framework around the design, construction and occupation of multi-occupied, high-rise residential buildings coming into force. The Mayor introduced the London Plan fire safety policy to address fire safety at the planning application stage, instead of the issue being first considered at the Building Control stage.
- 2.2.17 Policy D12 requires all developments to achieve the highest standards of fire safety. The Policy is set out in full below:

Policy D12 Fire Safety

⁶ [BSI, BS 7474:2019 Application of Fire Safety Engineering Principles to the Design of Buildings. Code to Practice, 2019.](#)

⁷ [Mayor of London, London Plan 2021, March 2021.](#)

- A In the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:
- 1) identify suitably positioned unobstructed outside space:
 - a) for fire appliances to be positioned on
 - b) appropriate for use as an evacuation assembly point
 - 2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
 - 3) are constructed in an appropriate way to minimise the risk of fire spread
 - 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users
 - 5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
 - 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.
- B All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. The statement should detail how the development proposal will function in terms of:
- 1) the building's construction: methods, products and materials used, including manufacturers' details
 - 2) the means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach
 - 3) features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans
 - 4) access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these
 - 5) how provision will be made within the curtilage of the site to enable fire

appliances to gain access to the building

- 6) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

2.2.18 Further guidance on Policy D12 is set out in paragraph 3.12.1 – 3.12.11 of the London Plan 2021.

2.2.19 The Government’s system of fire safety gateways requires fire safety information for relevant buildings to be submitted to the regulator (set out in section 2.2 above). In comparison to Gateway One, London Plan Policy D12 applies to all land uses; applies to a lower size threshold; and requires more fire safety elements to be demonstrated as part of a planning application.

2.2.20 In addition, to Policy D12 Part B of London Plan 2021 Policy D5 ‘Inclusive Design’ has implications for fire safety. Policy D5(B) requires development proposals to achieve the highest standards of accessible and inclusive design with D5(B)(5) requiring development proposals to be *“designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building”*.

[FIRE SAFETY LPG, 2022](#)

2.2.21 The Mayor of London’s Draft Fire Safety LPG⁸, published for public consultation in February 2022 sets out in detail how applicants should demonstrate compliance with London Plan Policies D12 and D5(B5).

2.2.22 To demonstrate compliance with Policy D12(A), planning applications for development which includes a new residential or commercial unit; a new lift; alterations to the materials on the external walls; or alterations to the internal or external communal areas that support the evacuation strategy for the property should submit a Planning Fire Safety Strategy (PFSS).

2.2.23 Where applicants consider parts of, or the whole policy not to be relevant to a development, the LPG sets out that this should be justified in a Reasonable Exception Statement (RES).

2.2.24 A PFSS should:

- Identify suitably positioned unobstructed outside space for fire appliances to be positioned on.
- Identify suitably positioned unobstructed outside space appropriate for use as an evacuation assembly point.
- Demonstrate that the development has been designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in

⁸ [Mayor of London, Fire Safety LPG, February 2022.](#)

the event of a fire, including appropriate fire alarm systems and passive and active fire safety measures.

- Provide suitable and convenient means of escape, and associated evacuation strategy for all building users.
- Develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in.
- Provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

2.2.25 Major developments should submit a Fire Statement to demonstrate compliance with Policy D12(B). Section 96a or Section 73 applications to major developments where elements addressed in the Fire Statement or secured by condition such as the access to the site or building, evacuation strategy or materials are amended, applicants should submit an (updated) Fire Statement that considers the amended development as a whole. Outline planning applications should submit an Outline Fire Statement.

2.2.26 A Fire Statement is a standalone document which defines the fire safety objectives and performance requirements of a development, and the methods by which these objectives will be provided/ satisfied. The Fire Statement should evidence the provisions made for the safety of occupants and protection of property as well as the provision of suitable access and equipment for firefighting in light of London Plan fire safety policy requirements and the justification for these measures.

2.2.27 The London Plan Fire Statement should set out:

- How the proposed fire safety measures meet the requirements of London Plan Policy D12(B).
- How evacuation lifts have been incorporated into the development (where required in line with London Plan Policy D5(B5)).
- How the development meets the minimum fire safety regulations and standards.
- What additional fire safety measures are to be included beyond the minimum requirements of the Building Regulations.
- Whether a Planning Gateway One Fire Statement has also been submitted.

2.2.28 The 'London Plan Fire Statement' is not the same as the 'Planning Gateway One Fire Statement' and should be produced in addition to this where required.

2.2.29 It is also important to note that a PFSS and Fire Statement are not the same as a Fire Strategy submitted with a building control application. A PFSS and Fire Statement are submitted at planning application stage and provide a high-level review of the intentions. Whereas a Fire Strategy submitted with a building control application is a complex document specifically tailored to a building, reviewing all aspects of the it's fire safety features including construction, compartmentation

strategy, means of escape and other fire safety features/measures - including management arrangements in place to ensure it is fit for use for the end user of the premises or intended purpose group.

- 2.2.30 Finally, planning applications where a lift or lift core will be installed the applicant should submit a Fire Statement or a PFSS to demonstrate compliance with Policy D5(B5).
- 2.2.31 The information set out above regarding what type of fire safety documentation is required for different forms of development at planning application and building control stage which these are required is summarised in figure 1 below.

Development type	Major development	Non-major development
Fire safety documentation required at planning application stage	Planning Gateway One Fire Statement (high level review)	Planning Gateway One (where development is of a scale that triggers the requirement) PFSS (high level review)
Fire safety documentation required at building control application stage	Fire Strategy (detailed consideration)	Fire Strategy (detailed consideration)

Figure 1: Table setting out what type of fire safety documentation is required for different forms of development at planning application and building control stage.

LOCAL POLICY, STRATEGIES AND GUIDANCE

EXISTING LOCAL PLAN POLICY (LOCAL PLAN, 2019)

2.2.32 The existing Local Plan does not contain a policy on fire safety.

SUMMARY

Date	Document	Organisation
Aug. 2021	Planning Practice Guidance: Fire safety and high-rise residential buildings (Planning Gateway One)	DLUHC & MHCLG
Aug. 2022	Fire Safety: Approved Document B	DLUHC & MHCLG
2015	BS 9991:2015 Fire Safety in the Design, Management and Use of Residential Buildings. Code of Practice	BSI
2019	BS 7474:2019 Application of Fire Safety Engineering Principles to the Design of Buildings. Code to Practice	BSI
Mar. 2021	The London Plan 2021	Mayor of London
Feb. 2022	Fire Safety LPG	Mayor of London

2.3 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

2.3.1 Alternative options were consulted on as part of the borough Issues (September 2020) and Issues and Options (July 2021) consultation documents. The Consultation Schedules and Consultation Summaries for these are set out in the Consultation Statement published alongside the Regulation 19 Publication Policies (September 2022) consultation document. Consultation responses have been reviewed and used to inform the development of, and modification to, the draft NLPR Policies.

2.3.2 A breakdown of the public consultations undertaken by RBKC to inform the production of the NLPR is set out in the table below.

Public Consultation	Timeframe
Borough Issues Consultation	29 September – 10 November 2020
Issues and Options Consultation	26 July – 4 October 2021
Regulation 18 Draft Policies	9 February – 23 March 2022
Regulation 19 Publication	October 2022

Figure 2: RBKC NLPR Consultation Timeline.

2.3.3 The options considered through the consultations and within the Integrated Impact Assessment (IIA) are summarised below.

2.3.4 The Council has considered the options particularly in light of the ‘tests of soundness’ which are set out in the NPPF:

- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs²¹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternative, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

²¹ Where this relates to housing, such needs should be assessed using a clear and justified method,

as set out in paragraph 61 of this Framework.

2.3.5 The options and alternatives considered are:

Option	Status	Reason
<p>1 Include in the NLPR the requirement for a Planning Fire Safety Strategy document to be submitted for all minor planning applications within the Use Class below:</p> <p>Class C: C1: Hotels; C2: Residential Institutions; C2A: Secure Residential Institutions; C4: Houses in Multiple Occupation; Class E: Commercial, Business and Services (All classes) Class F: F1: Learning and non-residential institutions; F2: Local community; and Sui Generis.</p>	Reasonable alternative	Recognises that it would not be proportionate for Dwelling houses to be included in this new policy requirement.
<p>2 Include in the NLPR the requirement for a Planning Fire Safety Strategy document to be submitted for all minor planning applications.</p>	Preferred option	Creates a policy requirement for all minor applications to evidence compliance with London Plan Policy D12(A).
<p>3 No Local Plan policy meaning London Plan Policy D12 would apply.</p>	Reasonable alternative	London Plan Policy D12 is already in place through the London Plan 2021.

2.4 PUBLICATION POLICY

- 2.4.1 Following consideration of the options presented above, consultation and reasonable alternatives, Policy CD15: Fire Safety is proposed as follows.

CD15: Fire Safety

- A. All developments must achieve the highest standards of fire safety.
- B. Major development and all relevant buildings under Planning Gateway One must submit a Fire Statement.
- C. Tall buildings of 50 m or more (measured from the ground level to the floor level of the top most storey) must submit a Qualitative Design Review (QDR) panel report with the planning application.
- D. 'Minor' or 'Other' planning applications must submit a Planning Fire Safety Strategy (PFSS).
- E. The forthcoming London Plan Guidance on Fire Safety should be followed for all developments.

2.5 PROPOSALS MAP

- 2.5.1 No changes are required to be made to the Proposals Map.

2.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

- 2.6.1 The legal obligation of the 'duty to cooperate' requires the Council to "engage constructively, actively and on an ongoing basis" and have "regard to activities" (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans "so far as relating to a strategic matter". This includes "considering whether to consult on and prepare... agreements or joint approaches"⁹.

- 2.6.2 A "strategic matter" relates to "sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)... in connection with infrastructure that is strategic"¹⁰. Strategic matters are further defined in paragraph 24 - 27 of the NPPF¹¹ and paragraph 009 - 017 of the PPG on maintaining effective cooperation¹².

- 2.6.3 Figure 2 shows the actions the Council has taken with regard to the duty and the relevant prescribed bodies.

⁹ Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010.

¹⁰ Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010.

¹¹ [MHCLG, National Planning Policy Framework \(NPPF\), July 2021.](#)

¹² [DLUHC, MHCLG, Planning Policy Guidance, October 2021.](#)

2.6.4 The Council has prepared a statement ground which sets out where we are in agreement with neighbouring authorities. This will be amended as and when appropriate.

Strategic issue	Relevant prescribed bodies ¹³	Council actions Prescribed bodies' strategies, plans and policies which the Council has had regard to
All	The Council has had regard to all relevant strategies, plans and policies of the relevant prescribed bodies in preparing the policies – as set out in Legislation, Policy and Guidance sections of Policy Formulation Reports (PFRs)	Ongoing
All	New Local Plan Review Issues consultation – see Consultation Schedule	Sept. to Oct. 2020
All	New Local Plan Review Issues and Options consultation – see Consultation Schedule	Jun. to Oct. 2021
All	New Local Plan Review Regulation 18 Draft Policies consultation – see Consultation Schedule	Feb. to Mar. 2021

Figure 3: Duty to cooperate strategic issues, prescribed bodies and Council action.

¹³ Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012.



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www.rbkc.gov.uk/planningpolicy