



RTPI Cymru
Royal Town Planning Institute
Sefydliad Cynllunio Trefol Brenhinol

Royal Town Planning Institute
Cymru (RTPI Cymru)
Studio 107
Creative Quarter
8a Morgan Arcade
Cardiff
CF10 1AF
Tel +44 (0)20 7929 8197
email walespolicy@rtpi.org.uk
www.rtpi.org.uk/wales

12 April 2021

e-mail response sent to: BuildingSafety@gov.wales

Dear Sir/Madam,

Response to: Safer Buildings in Wales

The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 26,000 spatial planners. RTPI Cymru represents the RTPI in Wales, with 1,300 members. The Institute seeks to advance the science and art of planning, working for the long-term common good and well-being of current and future generations. The RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

Thank you for the opportunity to respond to the above consultation. While the proposed new regime is primarily to be delivered via Building Control and construction legislation, we note there are some points of contact with the planning system. Questions 14 and 15 of the consultation relate to the planning system and our views on these are set out below.

Fire safety, in particular the availability of water, is an issue which can significantly affect the location and density of residential developments. Fire and Rescue Authorities (FRA) should already be consulted during plan preparation as set out in Welsh Government guidance (Development Plans Manual (Edition 3)). With regard to the development management process, Welsh Government have recently consulted on a proposal to make FRA statutory consultees during the development management process for all planning applications which relate to 'major developments'. The Local Planning Authorities (LPAs) and FRAs are best placed to comment on whether these existing arrangements are effective.

Linked to this, the consultation asks if FRAs should become "specific consultation bodies" (discussed at para 6.4.8 of the consultation document) as defined by the Town and Country

Planning (Local Development Plan) (Wales) Regulations 2005. While we have no objection in principle we do have two important concerns. Firstly, given the importance of decisions regarding high risk buildings, we are concerned that the responsibility borne by planning professionals and others might get confused around the interaction of a safety-driven regime with a speed-drive regime, for which LPAs are measured. Roles and responsibilities would need to be clear. Consultees may reply late or not at all and in such circumstances it must be made clear how the decision making process would progress. For example, we assume that if the FRA does not respond within the timescale the LPA would refuse the application?

Secondly and linked to the point made above, the introduction of the FRA into the consultation regime will have implications for LPA resources which are already at a critical level. Adequate resourcing for both LPA and FRA to carry out their roles effectively must be put in place prior to further changes being made to the process.

In reference to para 6.4.13 of the consultation document relating to the design process, developers will seek to secure materials that are acceptable to the LPA in terms of appearance and to Building Control in terms of safety and performance. It may be that despite obtaining planning permission using a certain design, the applicant does not in the first instance get materials approved by Building Control. Building Inspectors may then require different materials. Then the applicant would have to return to the LPA to check if these new materials comply with the existing planning permission. This can be a source of delay for all concerned. Lessons from the introduction of the requirement for approval for Sustainable Drainage Schemes (SuDS) from the Sustainable Drainage Approval Body (SAB) separate to the planning process may help in informing this.

Such situations can be helped if pre application procedures are used and followed as part of this process. For example, this could mean that there is a "Gateway Zero" at which relevant professional input is secured to ensure that a future planning permission would be likely to be approved and could also be built, in accordance with later Building Control approvals. Gateway Zero could also be a useful gateway for providing an opportunity to check whether a prospective planning application was likely to be viewed favourably.

If you require further assistance, please contact RTPI Cymru on 020 7929 8197 or e-mail Roisin Willmott at walespolicy@rtpi.org.uk

Yours sincerely,



Dr Roisin Willmott OBE FRTPI
Director
RTPI Cymru