

GUIDE

Building Safety Bill – Gateway Overview

The Building Safety Bill is set to transform the construction sector. While the Bill itself is currently in report stage, various changes to the design, construction and management of buildings are already in place enacted by reforms to other legislation. In particular, the first of the three 'gateways' now forms part of the planning application stage for applicable buildings.

Gateways – Overview

To ensure rigorous, safety-focused oversight throughout a building's lifecycle, the Bill introduces three 'gateways', being mandatory hard-stops during the planning, design and construction stages for both (a) the design and construction of new higher-risk buildings (HRBs), and (b) the major refurbishment of existing HRBs (i.e. where planning consent is required).

Gateway 1 – The Planning Gateway

Implemented through amendments to the Town and Country Planning Act 1990, gateway 1 requires developers to submit with their planning application a fire statement evidencing that safety requirements have been considered and incorporated into the developers' proposals.

The intent of gateway 1, which came into force on 1 August 2021, is to ensure planning issues relevant to fire safety have been considered at the earliest possible stage in the development of HRBs resulting in developments which fully integrate thinking on fire safety.

Higher-Risk Buildings (HRBs)

Currently gateway 1 applies to buildings which:

- are either 18 meters or more in height, or seven (7) or more storeys high; and
- contain either two (2) or more dwellings or educational accommodation.

However, the Government has stipulated the provisions might be amended to align with future arrangements made under the Building Safety Bill.

Fire Statement

Fire statements are to evidence that fire safety has been considered by an applicant and incorporated at the planning stage of a development. Accordingly, the information within a fire statement is to be focussed and concise, specific and relevant to the development, and proportionate to the scale, type and complexity of the proposal.

A fire statement is to be submitted in the form published by the Government (or in one which is substantively the same) which, among other things, includes details of:

- the principles, concepts and approach to fire safety which have been applied to each building in the development;
- the site layout;
- access for emergency vehicle and water supplies for firefighting purposes;
- what consultation (if any) has been undertaken on fire safety for the development and the account taken of such consultation; and
- how any policies relating to fire safety in relevant local development documents have been taken into account.



A copy of the fire statement can be [found here](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/996387/Fire_statement_form_-_static.pdf) (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/996387/Fire_statement_form_-_static.pdf).

Government Guidance with regard to fire statements can be [found here](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/997770/Fire_statement_form_-_guidance.pdf) (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/997770/Fire_statement_form_-_guidance.pdf).

Considerations

Clearly fire statements will need to be completed by a suitably-qualified professional with demonstrable experience with the complexities of fire safety (e.g. a chartered

engineer registered with the Engineering Council by the Institution of Fire Engineers). Accordingly, from the outset of a project, developers must consider the nature of such appointments, in particular that the scope of services includes dealing with the fire statement and that the consultant's professional indemnity insurance covers such services. Furthermore, developers will need to factor in to their plans both the shortage of fire engineers and potential delays to planning applications.

Time will tell whether fire statements do in fact contribute to the "integrated systemic change" envisioned by Dame Hackitt. For now, gateway 1 is but one of the many changes which will impact developers and owners of HRBs.

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