

East Sussex Fire & Rescue Service

BUSINESS SAFETY INFORMATION SHEET



SHEET No 9
Version 3

Access for Fire Appliances – Section 35 of the East Sussex Act 1981

Protocol Between Local Authority Building Control and East Sussex Fire & Rescue Service (ESFRS)

This bulletin has been provided to clarify the interpretation and application of Section 35 of the East Sussex Act 1981 with respect to access for fire appliances. It covers those applications where the boundary of the development is not adjacent to the adopted highway and therefore is outside of the scope of Approved Document B. Application of the guidance provided in this bulletin should ensure a consistent approach to the provision of access facilities compatible with our current fleet of fire appliances. These provisions have been discussed with the relevant local authority Building Control departments.

The following is a reproduction of Section 35:

Requirement. “35. – (1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show-

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension of the building, will not render inadequate any existing means of access for the fire brigade to a neighbouring building.

(2) no requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971 unless notice of the provisions of this section is endorsed on or accompanies the planning permission.”

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In order to maintain a consistent approach when dealing with enquiries and Building Regulations consultations under Section 35 of the East Sussex Act 1981 (the Act), the following protocol should be applied:

Formal consultation not required (Dwellings)

Work to dwellings will not be deemed to have triggered the Act and therefore **does not** require formal consultation with ESFRS in the following circumstances:

- Where plans are deposited for the erection of no more than two dwellings and they demonstrate compliance with requirement B5 of the Building Regulations (Part B5) and Section 35 of the East Sussex Act 1981;
- Where the new building will be an ancillary single storey building containing no sleeping accommodation, does not affect access to another building and will have a floor area less than 30m²;
- Where the extension will be at ground level only and with a floor area of less than 20 m² or where the extension is above the ground floor and is to provide bathroom or toilet accommodation **only**;
- Where the extension is to an existing dwelling and vehicle access for a pumping appliance will be within 45 metres of all points within the extended dwelling house and where the appliance has to travel off the highway in order to achieve the maximum 45 metre distance, adequate turning facilities are available in any dead end access route more than 20 metres long.

Minimum Design Criteria for Fire Appliance Access Where Section 35 of the East Sussex Act 1981 Applies

Where the East Sussex Act requires the provision of a new or upgraded access route, the carriageway should meet the following design criteria: -

- The access route must have a carrying capacity of not less than 17 tonnes. Where it is reasonable to consider that an Aerial Rescue Pump (ARP) will be the first attending pumping appliance, the carrying capacity should be increased to 20 tonnes;

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- Where the access route is relatively straight, a minimum width of 3 metres is acceptable;
- Where there is a ditch/stream/channel/steep downward slope immediately adjacent to the route which could cause an appliance to become stuck should it skid off the road, **either**:
 - (a) The width of the road in that area should be increased to a minimum of 3.4 metres, **or**;
 - (b) Provide raised kerbing to the edges of the road to prevent an appliance skidding or sliding off the surface. The edging may consist of conventional concrete kerbstones or securely fixed tree trunks, railway sleepers or other suitable material.
- Where there is a bend in the access route, a minimum width of 3.7 metres is to be provided on the bend. Also, where there are obstructions such as walls or lamp posts adjacent to the access route, the internal radius of the bend should not be less than 6.0 metres. In other cases, where there are no obstructions or kerbs only, an internal radius of no less than 5.0 metres should be provided;
- Where the access road is not well defined or could be difficult for a fire appliance driver to follow, especially at night or if snow covered, it should be way marked and suitably spaced marker posts with reflectors should be placed at appropriate intervals;
- The point at which an appliance stops in order to commence operations must be a minimum of 3.7 metres wide and 10 metres long to allow for unloading of equipment from the sides of the appliance;

A suitable turning circle/hammer head, designed to meet the specifications detailed in Part B5 of ADB is to be provided where an appliance would have to reverse more than 20 metres in order to turn around;

- Overhanging vegetation should be cut back to maintain a minimum clear head height of 3.7 metres above the route;
- Gateways should have a minimum unobstructed width between posts of 3.1 metres and a level surface between the posts.

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Where there is any doubt about the suitability of an existing access route, the local business safety office should be contacted to arrange a joint inspection of the site in order to agree an appropriate standard.

Any request by the building control officer to use a fire appliance to assess the suitability of an access route should be made directly to the Business Safety Hub Manager for the area, who will make the necessary arrangements with the local fire station.

Use of Domestic Sprinkler Systems in Dwellings

Where it is either not possible or reasonably practical to achieve vehicle access requirements for a pumping appliance to within 45 metres of all points within a dwelling-house, a relaxation may be acceptable if a domestic sprinkler system conforming to BS 9251 (or equivalent) or a water mist system conforming to BS 8458 (or equivalent) is installed.

The fitting of a sprinkler system will enable fire appliance access to be extended to a maximum of 90 metres from all points within the dwelling-house. The 90 metre distance will be achieved by the use of four lengths of 25 metre hose. The extra 10 metres provides some safety margin to allow for the hose to be run around objects or obstructions between the appliance and the fire.

Turning facilities in accordance with Diagram 24 of Part B5 of ADB or equivalent will still be required at the end of the extended access road to ensure that the appliance does not have to reverse more than 20 metres in a dead end situation.

Horizontal Mains

The provision of horizontal mains is not an acceptable alternative to appropriate access as detailed above and this matter has previously been subject to determination by the Secretary of State. Therefore, horizontal mains should only be considered as an additional measure over and above the minimum requirements as detailed in this bulletin.

Issued by the Business Safety Support Team

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