

## Topic Paper 5 – Fire and Rescue Service Provision

*This document is one of the supporting topic papers of Suffolk’s supplementary guidance “Section 106 Developers Guide to Infrastructure Contributions in Suffolk”. It is intended as a guide for landowners, developers and residents and sets out how Suffolk County Council will deal with planning applications where contributions towards fire and rescue provision may be sought.*

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### 1 INTRODUCTION

- 1.1 Developers will be required to provide fire hydrants and associated infrastructure, which will usually be secured by planning conditions attached to planning permissions (see Appendix 1 memorandum of understanding). These will be dealt with on an individual basis with regard to the specific requirements of a development. The exact cost in each case will be dependant on the precise requirements of the development. Developers will be expected to provide fire hydrants to the relevant water main. Normally one hydrant will be needed for every 50 dwellings. The fire hydrants ought to be installed at the same time as the rest of the water infrastructure, ahead of any dwellings being occupied, in order to avoid any excessive costs to the developer. The location of the hydrants must be agreed with the Suffolk Fire and Rescue Service prior to installation. The developer will be expected to initiate the installation of the hydrants through contact with the relevant water company and will incur all costs associated with the hydrants and installation.
- 1.2 Fire hydrants may also be sought in respect of commercial development. The number of hydrants required will need to be assessed on a site by site basis taking into account the mix and type of commercial uses proposed.

### 2 PLANNING CONDITIONS

- 2.1 **Condition 1** Residential Development.
  - 2.1.1 No development shall commence on site until a scheme has been submitted to, and agreed by the council in consultation with Suffolk Fire and Rescue Service, for the provision of one fire hydrant (served by mains water supply) for every 50 dwellings forming part of the development and no dwelling shall be occupied until the hydrant(s) serving the property or group of properties has been provided to the satisfaction of the council in consultation with Suffolk Fire and Rescue Service.
- 2.2 **Condition 2** Commercial Development.
  - 2.2.1 No development shall commence on site until a scheme has been submitted for the provision of 0.75 fire hydrants per hectare (*served by a 150 - 180mm main water supply depending on the mix and type of commercial uses*) for the benefit of the commercial development in a location agreed with the council in consultation with Suffolk Fire and Rescue Service and should meet the requirements of Building Regulations Approved Document B Volume 2 Sections 15 & 16 (Fire Hydrants/Water Supplies and Vehicle Access).
  - 2.2.2 The commercial development buildings shall not be occupied until the hydrants have been provided to the satisfaction of the council in consultation with the Suffolk Fire and Rescue Service.

- 2.3 Further informative. With reference to Conditions 1 and 2, the developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
- 2.4 Reason for planning conditions.
  - 2.4.1 The planning conditions are needed to ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.
- 2.5 Developers may also be asked to contribute towards additional off-site facilities made necessary by the proposed development. For any off-site requirements the county council would expect these to be dealt with through a Section 106 agreement.
- 2.6 In most circumstances the delivery of fire hydrants and associated infrastructure will therefore be dealt through the use of planning condition rather than within a Section 106 agreement.

**Topic Paper 5 Appendix 1**

**SUFFOLK FIRE AND RESCUE SERVICE**

**MEMORANDUM OF UNDERSTANDING**

**PROVISION OF FIRE HYDRANTS IN NEW  
DEVELOPMENTS**

### **3 INTRODUCTION**

- 3.1 This memorandum of understanding covers the provision of fire hydrants in new development, and sets out a protocol to be followed by district and borough councils in securing such provision by means of planning condition. In addition to proposed new residential and commercial developments, hydrants are required in connection with changes of use and any developments attracting increased volumes of people.
- 3.2 In addition to fire hydrant provision there will be other requirements of the Fire Authority in respect of new development, e.g. in ensuring adequate access for fire fighting. These requirements will be advised separately.
- 3.3 Occasionally, it may also be a requirement for new fire service infrastructure to be provided in connection with major planned development, which would have to be covered by Section 106 of the Town and Country Planning Act, and these requirements will also be subject to separate advice. Financial contributions or provision of land for new facilities may be sought by way of Section 106 planning obligations.
- 3.4 The Fire Authority encourages the fitting of sprinklers in new residential, commercial and educational properties, which may provide an acceptable alternative to provision of new or improved fire station facilities.

### **4 POLICY BACKGROUND**

- 4.1 The National Planning Policy Framework provides policy advice on the use of planning obligations. It states that obligations should only be sought where they are;
  - 4.1.1 necessary to make the development acceptable in planning terms,
  - 4.1.2 directly related to the development and
  - 4.1.3 fairly and reasonably related in scale and kind to the development.
- 4.2 The National Planning Policy Framework also states that planning conditions are preferable to obligations. Conditions should only be imposed where they are;
  - 4.2.1 Necessary;
  - 4.2.2 Relevant to planning;
  - 4.2.3 Relevant to the development to be permitted;
  - 4.2.4 Enforceable;
  - 4.2.5 Precise; and,
  - 4.2.6 Reasonable in all other respects
- 4.3 The Fire and Rescue Services Act 2004 places a duty on the Fire Authority to ensure the supply of water for fire fighting purposes. New residential and commercial development creates a need for new fire hydrants to be installed. Because the need for new hydrants in these cases arises directly from the new development, the Fire and Rescue Service expects that hydrants should reasonably be funded by the developer.

### **5 PROTOCOL**

- 5.1 This protocol applies to the provision of fire hydrants in new developments, and not to other Fire and Rescue Service provisions which may be necessary. The latter will continue to be dealt with through the consultation process.

- 5.2 The Suffolk Fire and Rescue Service will view the weekly planning applications lists published on the district and borough council websites, to establish which applications should be subject to consultation on fire hydrant provision. The Suffolk Fire and Rescue Service will notify the district or borough council of any application on which consultation is required regarding fire hydrant provision.
- 5.3 Following notification of the need for consultation, the district or borough council will send a copy of the application and accompanying plans to the Suffolk Fire and Rescue Service, with relevant details, including the timescale for provision of a response.
- 5.4 The Suffolk Fire and Rescue Service will endeavour to provide a response within the agreed timescale, which shall be the timescale specified on the consultation document, or such other timescale as may be agreed between the authorities.
- 5.5 If the Fire Service identifies a need for provision of new fire hydrant(s), the relevant district or borough council will impose a condition on any planning permission granted, which requires the submission and approval of details of fire hydrant provision, including location of hydrants, prior to commencement of development, and provision of fire hydrants on site prior to occupation of the development (or relevant phase of the development). For this purpose, the following condition is suggested:
  - 5.5.1 *The development shall not be commenced until a scheme for the provision of fire hydrants, including their location within the development has been submitted to, and approved in writing by the local planning authority. The development (or the phase of development served by a hydrant(s) shall not be occupied until the relevant approved hydrant(s) have been implemented.*
- 5.6 The local planning authority should encourage developers to submit details of fire hydrants, including their location, in accordance with the planning condition, a period of at least 28 days prior to commencement of development on site. This should not only enable a decision to be made on the submitted details in advance of commencement, but will also enable the Fire and Rescue Service to notify the water company of approved hydrant locations in advance of the laying of new water mains.
- 5.7 Upon receipt of details from the developer in accordance with the condition, the local planning authority shall consult the Suffolk Fire and Rescue Service. The Fire Service will assess the submitted details to ensure that the water supply and hydrant location is acceptable in relation to the planned development. In undertaking this assessment, the Suffolk Fire and Rescue Service will consider the mains plans prepared by the water company. The details required to be approved by the planning condition cannot be approved until the Suffolk Fire and Rescue Service has undertaken this assessment.
- 5.8 In the event of works commencing on site without compliance with the planning condition, appropriate action shall be taken by the local planning authority, and the Fire and Rescue Service shall be kept informed of any action.
- 5.9 If the ownership of a site changes subsequent to planning permission being granted, the Fire and Rescue Service requests that the local planning authority updates the service with amended ownership and contact details.
- 5.10 The Suffolk Fire and Rescue Service places great emphasis on the need to adhere to the above protocol in order to ensure that fire hydrants are secured and funded by the developer. If, for any reason this does not occur, then the Fire and Rescue Service will provide hydrants and will then retrospectively seek to recover funding for these.

## **6 BUILDING REGULATIONS**

- 6.1 Building Regulations include a duty to consider access for fire fighting in terms of access by fire tenders and access to hydrants. Advice may be given under the Building Regulations process to developers regarding the possible location of hydrants. It must be stressed, however, that the Fire and Rescue Service is the statutory body charged with fire hydrant provision and therefore decisions regarding the optimum location of fire hydrants in new developments and the methods for procuring those hydrants rests with the Fire Service.