

An  
Bord  
Pleanála

## Board Order ABP-317600-23

### Building Control Acts 1990 to 2014

**Building Control Authority:** Dublin City Council

**Building Control Authority Register Reference Number:** FRV2201209DC

**Appeal** by the Health Service Executive care of Maurice Johnson and Partners of The Anchorage, Charlotte Quay, Dublin in relation to the decision made on the 21<sup>st</sup> day of June, 2023 by Dublin City Council to grant, subject to conditions, a revised fire safety certificate under section 6 (2)(a)(vi) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of extension and material alterations to previously approved design (register reference number FSC3571/18) for the National Maternity Hospital at Saint Vincent's University Hospital, Elm Park, Nutley Lane, Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

**WHEREAS** the said appeal relates to conditions numbers 4, 10, 11, 19, 24, 25 and 27 attached to the decision of the said Building Control Authority:

**AND WHEREAS** An Bord Pleanála is satisfied, having regard to the nature of the said conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act, 1990, as amended by section 6 of the Building Control Act 2007, and by Article 40 (2) of the Building Control Regulations, 1997, and based on the Reasons and Considerations set out below, hereby directs the said Building Control Authority to remove the said conditions numbers 10, 25 and 27 and the reasons therefor, to attach the said conditions numbers 19 and 24 and the reasons therefor, and to amend the said conditions numbers 4 and 11 so that they shall be as follows for the reasons set out:

## **Reasons and Considerations**

Having regard to the presented design of the extension and material alteration to a previously approved new hospital building and the accompanying technical compliance report, to the submissions made in connection with the Revised Fire Safety Certificate application and the appeal, and to the report and recommendation of the reporting Inspector, the Board concluded as follows:

- (a) with respect to condition number 4, it is considered that, by reference to the appellant's bespoke fire engineering design calculations, fire-resisting (integrity only) glazing to the upper levels of the atrium is sufficient in this case and accordingly, the Board was satisfied that the Building Control Authority be, therefore, directed to amend condition number 4 and the reason therefor,
- (b) with respect to condition number 11, the Board was not satisfied that it has been adequately demonstrated by the first party/appellant in the Revised Fire Safety Certificate application and appeal documentation that the fire-resisting enclosure to fire hazard rooms could be omitted and accordingly concluded that the Building Control Authority be directed to amend condition number 11 and the reason therefor,

- (c) with respect to condition number 19, the Board concluded that the external plant rooms at grid lines R-S/14-17 accommodating two number transformer rooms, an MV switch-room and a Medical Gas Plant, and at gridlines F-G/15-17 accommodating two number transformer rooms, and an MV switch-room, all communicate with the main St. Vincent's University Campus and was, therefore, satisfied that the Building Control Authority be directed to attach condition number 19 and the reason therefor,
- (d) with respect to condition number 24, the Board concluded that it has not been demonstrated by the first party/appellant in the Revised Fire Safety Certificate application and appeal documentation that the fire-fighting shaft, including stair core 1, meets the requirements of HTM 05-02:2015. The Board was satisfied that it would be appropriate to attach condition number 24 and the reason therefor and, therefore, to direct the Building Control Authority to attach condition number 24,
- (e) with respect to condition number 10, the Board was satisfied that it has been demonstrated by the first party appellant in the fire safety application and appeal that the fire-resisting enclosure proposed to protect dead-end corridors meets the requirements of HTM 05-02:2015. Therefore, condition number 10 as originally attached by the Building Control Authority to the Revised Fire Safety Certificate is not necessary to meet the guidance set out in HTM 05-02:2015 or accordingly to demonstrate compliance with Part B1 of the Second Schedule to the Building Regulations 1997, as amended, and, therefore, the Board considered it appropriate to direct the Building Control Authority to remove condition number 10,
- (f) with respect to condition number 25, the Board was satisfied that it has been demonstrated by the first party appellant in the fire safety application and appeal that the level of risk to fire-fighting personnel arising from their use of the fire-fighting shaft (core 1) as proposed to be designed is commensurate with equivalent level of risk arising from design in accordance with HTM 05-

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02:2015 guidance and, therefore, considered it appropriate to direct the Building Control Authority to remove condition number 25, and

- (g) with respect to condition number 27, the Board was satisfied that it has been demonstrated by the first party appellant in the fire safety application and appeal that the additional FD60S door-set is not required to meet the guidance contained in HTM 05-02:2015 or accordingly to demonstrate compliance with Part B5 of the Second Schedule to the Building Regulations 1997, as amended, and, therefore, considered it appropriate to direct the Building Control Authority to remove condition number 27.

The Board was further satisfied that, subject to conditions, including the amended conditions numbers 4 and 11, attached conditions numbers 19 and 14 and removal of conditions numbers 10, 25 and 27, it has been demonstrated that the subject works, if constructed in accordance with the design presented with the application and appeal, would comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997, as amended.

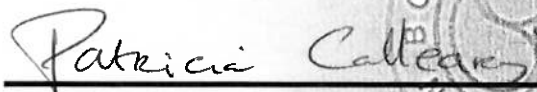
## Conditions


4. The atrium enclosure shall have a minimum period of fire resistance of 60 minutes (integrity and insulation and where applicable, load-bearing capacity) with the exception of fixed-shut glazing systems, which shall have a minimum period of fire resistance of 60 minutes (integrity only). This exception does not extend to glazing of the type referred to as "modified toughened".

**Reason:** To comply with Part B of the Second Schedule to the Building Regulations 1997, as amended.

11. Fire Hazard Rooms as defined in Appendix A of HTM 05-02:2015 shall be enclosed in not less than 30 minutes fire-resisting construction complete with FD30S fire door-sets.

**Reason:** To comply with Part B of the Second Schedule to the Building Regulations 1997, as amended.

  
Patricia Callear  
Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board



Dated this 19 day of February 2025