

An
Coimisiún
Pleanála

Commission Order
ABP-322628-25

Building Control Acts 1990 to 2014

Building Control Authority: Fingal County Council

Building Control Authority Register Reference Number: FSC/772/25

Appeal by the Land Development Agency care of Michael Slattery Associates of 19 Windsor Place, Lower Pembroke Street, Dublin in relation to the decision made on the 29th day of April, 2025 by Fingal County Council to grant subject to conditions a fire safety certificate under section 6 (2)(a)(ii) of the Building Control Act, 1990, as amended by section 5(a) of the Building Control Act 2007 in respect of a fire safety certificate for the construction of a residential building at Block E, Hacketstown, Skerries, County Dublin in accordance with plans and particulars lodged with the said Council.

WHEREAS the said appeal relates only to condition numbers 3, 8 and 9 attached to the decision of the Building Control Authority,

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

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act 1990 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 authority to remove condition numbers 3, 8 and 9 and the reasons therefor.

Reasons and Considerations

Condition Number 3

Having regard to the presented design for construction of the residential building and the accompanying compliance report, the submissions made in connection with the Fire Safety Certificate application and the appeal, and the report of the Inspector it is considered that the appellant has adequately demonstrated compliance with the requirements of Part B1 of the Second Schedule to the Building Regulations 1997, as amended, in respect of the proposed external podium escape route.

The Commission noted in particular the final paragraph of Clause 1.2.6.2 of TGD: B 2006 (reprint 2020), which allows an escape route by way of an external podium once it gives direct access to a place of safety and where the roof is constructed of non-combustible construction with a fire resistance of at least 60 minutes. The commission was satisfied that these requirements have been met in the presented design. The Commission noted the distinction between the proposed external podium and that of an escape over a flat roof where, in the latter, additional requirements are set out, however, these do not apply in the presented design.

The Commission concluded that the car-park vents located beneath the podium do not constitute 'unprotected openings' for the purpose of Clause 1.2.6.2 and Diagram 7 and 8 of TGD: Part B and noted that they are located below a non-combustible 60-minute fire resistance concrete external podium and the vents do not discharge into the escape route. The Commission also accepted the appellant's use of BS 9991: 2015 as a basis for compliance as

permitted under Section 0 of TGD: Part B, and which allows escape routes along an external podium leading to a place of safety. Accordingly, the Commission was satisfied that condition number 3 is not necessary to demonstrate compliance with Part B, specifically B1, of the second schedule to the Building Regulations 1997, as amended.

In reaching its conclusion in respect of the Commission's decision to direct the Building Control Authority to remove condition 3, the Commission differed from the Inspector's recommendation which was to attach this condition. The Inspector's assessment of this condition as set out in paragraph 6.2.8 of his report, applied the provisions of Clause 1.3.6.6 and Diagram 7 and 8 of TGD: part B to the external escape route, including the external podium and external escape stairs.

The Commission was satisfied, however, that the external podium escape route meets the final paragraph of Clause 1.2.6.2, which permits an escape route by way of an external podium where the roof is constructed of non-combustible construction with a fire resistance of at least 60 minutes. The Commission also accepted the appellant's use of BS 9991: 2015 as an acceptable basis for compliance with Part B of the current Building Regulations.

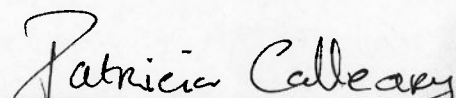
Condition number 8

Having regard to the presented design of the residential building and the compliance report, the submissions made in connection with the Fire Safety Certificate application and the appeal, and the report and recommendation of the Inspector, it is considered that it has been demonstrated by the appellant that the basement car park does not require hose reels to meet the requirements of the Building Regulations. It was concluded that it had been demonstrated adequately that the car park is ancillary to the main residential use of the building in this case and the commission noted that TGD: B 2006 (Reprinted edition 2020) does not require hose reels for such ancillary car

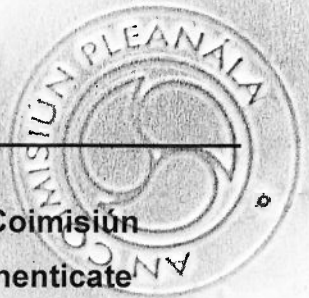
park accommodation. Therefore, the commission is satisfied that condition number 8 is not necessary to meet the guidance set out in TGD: Part B or accordingly to demonstrate compliance with Part B of the Second Schedule of the Building Regulations 1997, as amended.

Condition number 9

Having regard to the presented design of the residential building and the compliance report, the submissions made in connection with the Fire Safety Certificate application and the appeal, and the report and recommendation of the Inspector, it is considered that it has been demonstrated by the appellant that the basement car park does not require sprinkler protection to meet the requirements of Part B of Technical Guidance Document B - Fire Safety 2006 (reprinted 2020). Therefore, it was decided that condition number 9 is not necessary to meet the guidance set out in TGD: Part B or accordingly to demonstrate compliance with Part B of the Second Schedule of the Building Regulations 1997, as amended.


Patricia Calleary

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 09 day of December 2025.