

Change of Use of Derelict Woolen Mill Building to Proposed Distillery Storage Building at Ballymore Eustace, Naas, Co Kildare

Consideration of Appeal against Condition 2 attached to Fire Safety Certificate (Reg Ref: FSC2105545KE)

MSA Reference > 23000

ABP Reference > ABP-312986-22

For An Bord Pleanála

MMS

CONTENTS

/1	INTRODUCTION	1
1.1	Subject of Appeal	1
1.2	Documents Reviewed	1
/2	FINDINGS	2
2.1	Case made by the Building Control Authority	2
2.2	Case Made by the Appellant	2
/3	FINDINGS AND RECOMMENDATIONS	3
3.1	Recommendation	3

©This report and/or its contents, information and its design principles are the exclusive property of Michael Slattery Associates and are not to be reproduced in any means or to be used for any other project without written agreement of Michael Slattery Associates.

All rights reserved by the law of copyright are reserved by Michael Slattery Associates and may be protected by court proceedings for damages and/or injunctions and costs.

1 INTRODUCTION

This report sets out my findings and recommendations on the appeal submitted by Ciara & Harvey Applebe against Condition 2 attached to the Fire Safety Certificate (Reg Ref No FSC2105545KE) granted by Kildare City Council on 17/02/2022 for the change of use of derelict woollen mill building to proposed distillery storage building at Ballymore Eustace, Naas, Co Kildare.

1.1 Subject of Appeal

A Fire Safety Certificate application was made to Kildare County Council on 11th August 2021 for the change of use of a derelict woollen mill building to proposed distillery storage building at Ballymore Eustace, Naas, Co Kildare.

The Fire Safety Certificate granted on 17th February 2022 which had 2No conditions as follows:

Condition 1:

The building shall be constructed in accordance with the particulars submitted in support of the application for a Fire Safety Certificate as amended by the Additional Information uploaded to the BCMS on 24/01/2022 with later revisions to the design superseding earlier proposals and the conditions(s) below taking precedence.

Reason: To ensure compliance with the Building Regulations.

Condition 2:

The building shall be provided with an appropriate Automatic Sprinkler System which is designed, installed and maintained in accordance with I.S. EN 12845:2015 as amended or an equivalent standard.

Reason: To ensure compliance with the Building Regulations.

1.2 Documents Reviewed

- Application for a Fire Safety Certificate to Kildare County Council submitted on 17th September 2021 comprising of;
 - Fire Safety Certificate Compliance Report; prepared by ProFire
 - Plans, Sections and Elevations; by ProFire
 - Supplementary submissions dated 11/08/2022, 24/01/2022 by the ProFire to Kildare County Council with revised Compliance Report and drawings and supplementary reports by Denis Curtin, Consulting Process Safety Engineer: ATEX Risk Assessment (December 2021)
- Appeal submissions to An Bord Pleanála
 - Submission dated 10/03/2022 by Harvey Applebe
 - Submission dated 11/04/2022 by Kildare Fire Services
 - Submission dated 09/05 2022 by Harvey Applebe

/2 FINDINGS

2.1 Case made by the Building Control Authority

In their response to the appeal submission the Kildare County Fire Service make the following points in support of their decision:

- The warehouse building which stores highly flammable material is co-located with a private dwelling with the two buildings sharing a common wall
- In the absence of sprinkler protection a fire in this building is likely to spread rapidly throughout the building and pose a serious threat to members of the public and responding fire service personnel
- The provision of a sprinkler system would enable the fire services tackle the fire quickly and efficiently before the existing building and adjoining buildings become involved in the fire

2.2 Case Made by the Appellant

The basis of the appeal submitted is that the design complies with Technical Guidance Document B without recourse to sprinkler protection where the compartment size (floor area) is less than 1/5th of the 1000 m² limit in TGD-B 2006 where the key points noted are:

Warehouse area 187 m²

Compartment size limit without sprinklers 1000 m²

They also refer to the Scottish Technical Standard which specifically references spirit distillery and whiskey storage, noting the warehouse size falls within the limits in these standards also.

The Appellant also further addresses the following key points in the submission of 09/05/2022:

- **Risk to the adjoining dwelling**

The appellant notes that the fire separation between the warehouse and the dwelling is provided by 2No 600 mm+ thick masonry walls with a break in continuity of the roof profile between the adjoining garage and the dwelling as illustrated in a Figure included in the appeal submission.

The appellant also noted the provision of a Type L1 fire detection and alarm system in the warehouse linked to the fire alarm system provided in the dwelling

- **Threat to public and fire service personnel**

The appellant notes the low staffing levels and that the general public are not permitted to access the distillery buildings.

In regard to risk to fire services personnel it is noted that there is external access to both elevations of the building, such that fire fighting activities will most likely be undertaken from outside the building thus reducing fire fighting risks

- **Reference to total fire involvement of the warehouse**

While the appellants acknowledge that sprinklers would reduce the potential for a major fire in the warehouse and total loss of products stored and they

may consider provision of sprinklers to mitigate this risk if that is justifiable, they note that concerns for product value loss are outside the scope of Part B (Fire) of the Building Regulations.

/3 FINDINGS AND RECOMMENDATIONS

The recommendations in Technical Guidance Document B 2006 applicable to storage buildings are clearcut and unambiguous.

Storage risks are divided into 2 categories with reference to Appendix E for risk classification:

- Normal hazard/risk
- High hazard/risk

High risk is in turn defined in Appendix E2 of TGD-B as including:

- The presence of materials likely, when ignited, to cause the rapid spread of fire, smoke or fumes. The materials may be solid, liquid, or gaseous and as well as the normal forms may be present as dust, spray, mist or vapour;
- The presence of highly flammable or explosive materials (other than in small quantities)
- The storage of hazardous goods or materials and the storage of vehicles containing hazardous goods or materials

Furthermore in E3 it is noted that flammable liquids with a flashpoint below 65°C including whiskey or other spiritous liquids should be considered as hazardous materials.

Accordingly, the building subject of this appeal, falls into the high hazard/risk category attracting a maximum compartment size limit of 1000 m² which may be doubled in size to 2000 m² if the building is sprinklered.

In this case the building compartment size is 187 m² way below the 1000 m² limit and accordingly there is no requirement to consider sprinkler protection.

Furthermore, in the analysis and details submitted with the application it is evident that the level of fire separation proposed between the warehouse and adjoining buildings meets the recommendation in TGD-B.

While I agree with the Kildare County Fire Services opinion that it is likely a fire outbreak in the warehouse will likely spread to envelope the entire building leading to the loss of the building and its contents, this is recognized and addressed by the Appellant.

The key objective in terms of Part B (Fire) compliance is the protection of life safety of building occupants and occupants of nearby buildings as well as fire fighters dealing with a fire in the building, which I am satisfied are being adequately addressed by reference to the recommendations in TGD-B 2006 which is the basis of the design proposed.

3.1 Recommendation

I accordingly recommend that the Board allows this appeal and directs the Building Control Authority to remove Condition 2.

Signed: _____

Michael Slattery, BE MSc (Fire Eng) CEng FIEI MSFPE EUR ING

Date: 20.06.2023