



An
Bord
Pleanála

FSC Report

ABP 316691-23

Appeal v Refusal or Appeal v Condition(s)

Appeal v Condition 2

Development Description

Construction of a single storey, stand alone, warehouse building (600 sq.m floor area) with pitched roof of 9.6m at ridge and 6m at eaves together with all associated site works.

An Bord Pleanála appeal ref number:

ABP-316691-23

Building Control Authority Fire Safety Certificate application number:

FSC2203829MH

Appellant & Agent:

Appellant : Malachi Cullen,
Consulting Engineers

Agent: EOBA

Building Control Authority:

Meath County Council

Date of Site Inspection

NA

Inspector/ Board Consultant:

Stefan Hyde

Appendices

NA

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2.0 Introduction

2.1 Subject Matter of Appeal

This report sets out my findings and recommendations on the appeal submitted by Eamon O'Boyle & Associates (EOBA) on behalf of Malachi Cullen, Consulting Engineers, against Condition 2 of the granted Fire Safety Certificate (Reg Ref No. FSC2203829MH) issued by Meath County Council [hereafter referenced as MCC] in respect of the "*Construction of a single storey, stand alone, warehouse building (600 sq.m floor area) with pitched roof of 9.6m at ridge and 6m at eaves together with all associated site works*" at Abellio Production Ltd, Kells Business Park, Townspark & Common of Lloyd, Virginia Road, Kells, Co. Meath.

The Fire Safety Certificate was granted on 23rd March 2023 with two conditions attached. The appeal to the Board relates to Condition 2.

Condition 2 reads as follows:

Condition 2:

The products to be stored in the proposed building shall be restricted to 4 meters in height above floor level, unless a suitable automatic sprinkler system is designed, installed, commissioned, and maintained in accordance with manufacturer's / installers recommendations.

With the stated reason for the condition being:

Reason: *To comply with the provisions of Part B1 and B3 of the Second Schedule to the Building Regulations, 1997 – 2021.*

De novo consideration is not warranted, and the Board can rely on the provisions of Article 40(2) of the Building Control Regulations and deal with the appeal on the basis of conditions 2 only.

2.2 Documents Reviewed

- 2.2.1 The Fire Safety Certificate Application and Supporting Documentation submitted by the Malachi Cullen Consulting Engineers.
- 2.2.2 Granted Fire Safety Certificate issued by MCC on 23.03.2023
- 2.2.3 Appeal submission to An Bord Pleanála by EOBA dated 20.04.2023

3.0 Consideration of Arguments by Appellant and BCA

Condition 2:

The products to be stored in the proposed building shall be restricted to 4 meters in height above floor level, unless a suitable automatic sprinkler system is designed, installed, commissioned, and maintained in accordance with manufacturer's / installers recommendations.

With the stated reason for the condition being:

Reason: *To comply with the provisions of Part B1 and B3 of the Second Schedule to the Building Regulations, 1997 – 2021.*

Case made by EOBA in respect of Condition 2

The key points made by EOBA in the appeal submission dated 20th April 2023 are summarised as follows:

- 1) The purpose of a Fire Safety Certificate Application is to demonstrate compliance with Part B of the Building Regulations.
- 2) Although not required by TGD-B the building is in addition provided with AOVs at each gable and the roof material is such that in the event of even a small fire it will open further to provide significant venting.
- 3) A CFD Analysis report is provided by B Fluid

Case made by MCC in respect of Condition 2

MCC did not issue a response to An Bord Pleanála in relation to the EOBA appeal submission following a request from ABP on 22nd May 2023.

4.0 Assessment

The proposed warehouse is 30m x 20m in size totalling 600m². This is significantly below the compartment size limit of 14,000m² in Table 3.1 of TGD-B prior to the requirement for sprinklers at which point the compartment size can be doubled to 28,000m².

The building size at 600m² is also below the threshold for High Hazard buildings of 1,000m² noting these contain hazardous materials and do not require sprinklers.

The travel distances in the proposed building when reviewed on the plans are generally <18m from the centre of the warehouse to the nearest exits. This is well below the TGD-B limit of 45m when considering there are four exits available meaning occupants can turn away from the fire in all instances to escape.

The drawings submitted for the proposed building show a top rack height of circa 6m.

Even though the building is far below the 4,000m² and 20,000m³ sizes where ventilation is required the applicant has proposed venting.

Unfortunately, MCC did not issue a response to the appeal when requested to do so by An Bord. This may have detailed how the policy of storage no higher than 4m was arrived at.

MCC state on the FSC that the reason for imposing Condition 2 is “to comply with the provisions of Part B1 and B3 of the Second Schedule to the Building Regulations, 1997 – 2021.” Below are extracts from B1 and B3 of the Second Schedule of the Building Regulations (note B3 (2) and (4) have no relevance to the proposed building).

B1 – A building shall be so designed and constructed that there are adequate means of escape in case of fire from the building to a place of safety outside the building, capable of being safely and effectively used.

B3 (1) – A building shall be so designed and constructed that, in the event of fire, its stability will be maintained for a reasonable period.

B3 (3) a building shall be so designed and constructed that the unseen spread of fire and smoke within concealed spaces in its structure or fabric is inhibited where necessary.

Having regard to the number and location of exits and travel distances are comfortably within the prescriptive limits of TGD B, the Regulation B1 basis for Condition No.2 is difficult to justify.

Given the area and volume of the proposed building is within the prescriptive limits of TGD B, the Regulation B3 basis for Condition No.2 is difficult to justify.

EOBA note that the purpose of the FSC application is to set out compliance with Part B of the Building Regulations and reviewing the MCC reasoning for the condition that is difficult to justify.

5.0 Conclusion/Recommendation

On the basis of my assessment, I consider that the imposition of Condition 2 is not necessary and I recommend that the Bord should remove this condition.

6.0 Reasons and Considerations

In relation to Condition 2, in my opinion the imposition of sprinklers by the BCA is not warranted. The BCA reasoning for the condition is not considered appropriate when compared against the thresholds for sprinklers set out in Table 3.1 of TGD-B.

7.0 Conditions

Direct the Building Control Authority to remove Condition 2.



STEFAN HYDE

Chartered Engineer I BA, BAI, PDip FSP, MA, CEng, MIEI
Consultant/Inspector

Date : 23rd February 2024