



An
Bord
Pleanála

FSC Report ABP-320587-24

Appeal v Refusal or Appeal v Condition(s)

Appeal against Condition 3

Development Description

Unit 270. Plot 2C, Blanchardstown
Corporate Park 2, Ballycoolin, Dublin,

Building Control Authority Fire Safety Certificate application number:

Fingal County Council – FSC/192/24

Appellant

Mr. Aidann Harrison

Appellant's Agent

ORS

Building Control Authority:

Fingal County Council

Inspector

Mr. Bryan Dunne

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1.0 Introduction

- 1.1. This application is for Unit 270. A four story office block over a single storey car park at Unit 270, Plot 2C located at Blanchardstown Corporate Park 2, Dublin 15. The unit consists of office space, circulation cores, toilets, stores and plant space.
- 1.2. The application made to the Building Control Authority (BCA) was for a standard Fire Safety Certificate application.
- 1.3. A decision was made by the BCA to grant a Fire Safety Certificate (FSC) with 17 No. conditions, of which, only Condition 3 is being appealed.

Condition 3:

The Basement Car Park shall be provided with an Automatic Sprinkler system throughout in accordance with I.S. EN 12845:2015 (+AC:2016) (+A1:2019) Fixed Firefighting systems – Automatic Sprinkler Systems – Design, Installation and Maintenance.

Reason:

To comply with the provisions of Part B of the Second Schedule of the Building Regulations, 1997 and 2022.

2.0 Information Considered

- 2.1. The information considered in this appeal comprised the following:
- An Bord Pleanála Case No. ABP-320587-24
 - A copy of the drawings lodged to the BCMS system on the 6th April 2023 by ORS
 - A copy of the drawings and report lodged to the BCMS system on the 9th July 2024 by ORS
 - A copy of the granted Fire Safety Certificate FSC/192/24 dated 19th of July 2024
 - Appeal submission letter by ORS to An Bord Pleanála dated 12th August 2024

3.0 Relevant History/Cases

3.1. I am not aware of any relevant Building Control history relating to this appeal site.

There was no documentation of any previous Fire Safety Certificate (FSC), Revised FSC, Regularisation FSC or any dispensation/relaxation of the Building Regulations (relating to this site) included in the file being reviewed.

4.0 Appellant's Case

4.1. The appellant states that the Fire Safety Certificate (FSC) application follows TGD B 2006 + A1 2020 and that that in itself is noted as achieving prima facie compliance with Part B of the Building Regulations.

4.2. The appellant puts forward the following points as part of their case to have Condition 3 removed:

- Section 5.4.3.1 of TGD B states 'Basement car parks are not normally expected to be fitted with sprinklers', therefore for prima facie compliance with Part B basement car parks do not require sprinkler protection
- Other similar cases have been appealed to An Bord Pleanála and in each case the Local Authority have been requested to remove the condition
- The provision of sprinklers is over and above the recommendations of TGD B

Finally the appellant points out the fact that even in the newly revised TGD B (2024 version) there is no requirement to sprinkler protect basement car parks showing that it was considered in the new TGD B but not deemed necessary by the Department of Housing, Local Government and Heritage.

It is for the above reasons the appellant seeks Condition 3 be removed.

5.0 Building Control Authority Case

5.1. None provided.

6.0 Assessment

6.1. ***De Novo* assessment/appeal v conditions**

Having considered the drawings, details and submissions on the file and having regard to the provisions of Article 40 of the Building Control Regulations 1997, as amended, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted. Accordingly, I consider that it would be appropriate to use the provisions of Article 40(2) of the Building Control Regulations, 1997, as amended.

6.2. Content of Assessment

Section 5.4.3.1 of TGD B (reprinted edition 2020) is very clear in that “basement car parks are not normally expected to be fitted with sprinklers”, see below.

5.4.3.1 Basements - Smoke ventilation from basements generally take the form of outlets vents connected directly to the open air. Such ventilation should be provided from every basement storey except in the following:

- (a) a basement in a dwelling house (Purpose Group I(a) and I(b));
- (b) a basement having an area less than 200 m² and a floor which is not more than 3 m below the adjacent ground level.

Smoke vents should be sited at high level and should be distributed around the building perimeter to maximise the effectiveness of cross-ventilation. The clear cross-sectional area of all smoke vents, allowing for frames and louvres, should not be less than 2.5% of the basement storey served. Where a basement is compartmented, each compartment should be ventilated separately. Generally, smoke vents from basements should be permanently open and unobstructed, but where they are readily accessible from the outside, consideration can be given to suitably indicated removable covers. Smoke vents should not be positioned where they would prevent the use of the means of escape from the building.

As an alternative to outlet vents as described above, a system of mechanical extraction may be provided, where the basement is also protected by an appropriate sprinkler system complying with BS 5306: Part 2: 1990. The ventilation system should meet the criteria set out in 3.5.2.5 and should operate automatically on activation of the sprinkler system.

Basement car parks are not normally expected to be fitted with sprinklers.

It would be my opinion that not having the basement car park sprinkler protected is in compliance with Section 5.4.3.1 of TGD B which would generally be accepted as prima facie compliance with Part B of the Second Schedule of the Building Regulations. In

addition, I would be of the view that conditions such as this that are imposed by some BCA's lead to inconsistency in building design nationally which is something I believe is to be avoided.

Furthermore, it is worth noting that a new version of TGD B (2024) has recently been published by the Department of Housing, Local Government and Heritage and there is no mention of basement car parks requiring sprinklers.

7.0 Recommendation

On the basis of my assessment, I recommend that An Bord Pleanála grant the appeal and instruct the BCA to remove Condition 3 from the Fire Safety Certificate for the reasons and considerations set out below.

8.0 Reasons and Considerations

Having regard to the original FSC application and appeal made, I am of the opinion that the appellant has demonstrated that there is no requirement for the basement car park to be sprinkler protected to meet the requirements of TGD B. Therefore, Condition 3 as originally attached by the BCA to the Fire Safety Certificate is not necessary to meet the guidance set out in TGD B or accordingly to demonstrate compliance with Part B of the Second Schedule to the Building Regulations 1997, as amended and should be removed.

9.0 Conditions

N/A - on this occasion Condition 3 should just be removed.

10.0 Sign off

I confirm that this report represents my professional assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



Bryan Dunne

MSc, BSc, Dip (Eng), CEng, MIEI, Eur Ing

23rd April 2025