



An
Bord
Pleanála

FSC Report ABP-320817-24

Appeal v Refusal or Appeal v Condition(s)

Appeal against Condition 2

Development Description

Fire Safety Certificate application for the Proposed Site B development which includes the construction of 2 No. residential blocks known as Block J & Block K at Blanchardstown Town Centre, Coolmine, Dublin 15

Building Control Authority Fire Safety Certificate application number:

Fingal County Council – FSC/233/24

Appellant

Blanche Development Ltd

Appellant's Agent

Michael Slattery & Associates

Building Control Authority:

Fingal County Council

Inspector

Mr. Bryan Dunne

Contents

1.0 Introduction	3
2.0 Information Considered	3
3.0 Relevant History/Cases	4
4.0 Appellant's Case.....	4
5.0 Building Control Authority Case	5
6.0 Assessment	5
7.0 Recommendation.....	6
8.0 Reasons and Considerations.....	6
9.0 Conditions.....	7
10.0 Sign off	7

1.0 Introduction

1.1. This application is for the construction of 2 No. residential blocks known as Block J & Block K at Blanchardstown Town Centre, Coolmine, Dublin 15

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 2 No. conditions, of which, only Condition 2 is being appealed.

Condition 2:

All storeys of Block K are to be provided with a minimum of 2 escape stairways.

Reason:

To comply with the provisions of Part B of the Second Schedule of the Building Regulations, 1997 and 2023.

2.0 Information Considered

2.1. The information considered in this appeal comprised the following:

- An Bord Pleanála Case No. ABP-320817-24
- A copy of the drawings and report lodged to the BCMS system on the 15th of January 2024 by MSA
- A copy of the additional information submitted to the BCMS system on the 22nd of February 2024 by MSA
- A copy of the drawings and report lodged to the BCMS system on the 18th of July 2024 by MSA
- A copy of the granted Fire Safety Certificate FSC/233/24 dated 20th of August 2024
- Appeal submission letter by MSA to An Bord Pleanála dated 12th September 2024 and

- Case file FW22A/0047 – Construction of mixed use development including 352 apartments. Site B (Library Car Park) and Site C (Blue Car Park) at Road C and Road D, Blanchardstown Town Centre, Coolmine, Dublin 15

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 compliance with Part B of the Second Schedule of the Building Regulations 1997 to 2023 is achieved by reference to Technical Guidance Document B: 2006 (reprint 2020), TGD B and BS 5588 Part 1:1990.

4.2. The appellant points out that there is no requirement for 2 escape stairways to serve all floors of the building once:

- The travel distances within the residential common corridor for a single direction does not exceed 15m (on the basis of sprinkler protection within the apartments) from the furthest apartment to the stair / lobby door
- The common escape route (i.e. common corridor) leading to a protective stair is provided with the necessary smoke and heat ventilation
- The number of occupants at the upper levels can be accommodated from a means of escape perspective
- The building is provided with the necessary firefighting shafts when the top story heights of the building is greater than 20m in height from ground level

The appellant addresses each of the above 4 points in turn with reference to Block K:

- The travel distances within the common corridor are less than 15m
- The common corridor providing access to the stairs is provided with a mechanical smoke shaft as per Section 1.7.2 of TGD B

- The entire occupancy of the building can be accommodated in one stair
- Stair core 01 is being designed as a firefighting shaft in line with the recommendations of TGD B and BS 5588 Part 5:2004

4.3. The appellant argues that the only reason that Block K was provided with two escape stairs from Ground to Level 7 were due to the large footprint size and that based on the points identified in Section 4.2 above a second stair isn't required to serve levels 8 through 13.

4.4. In addition they point out that during the FSC application process the new 2024 version of TGD B was released in to the public domain and that residential buildings complying with subsection 1.6 could be served with a single escape stairs, which they say they are complying with.

4.5. Finally, the appellant makes the point that with their various discussions with Dublin Fire Brigade (DFB), DFB stated that while it wasn't a requirement of either TGD B or BS 5588 Part 1 it was their policy to have a second stair provided in buildings over 30.

It is for the above reasons the appellant requests Condition 2 be removed.

5.0 Building Control Authority Case

5.1. No Fire Officer report provided in support of their case.

While the Local Authority didn't provide a report supporting their case for attaching this condition, as part of their additional information request, they said that *"Dublin Fire Brigade strongly recommends that all floors above 30m be provided with a minimum of 2 escape stairways.....A minimum of 2 stairways throughout the full height of the building could facilitate occupants escape and fire-fighting access while also providing a level of redundancy should one of the stairways become unusable."*

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

There is no requirement in Technical Guidance Document B 2006 (reprinted 2020) and BS5588 Part 1 1990 for residential buildings with a height over 30m to be provided with two escape stairways. The appellant is complying with the requirements set out in these documents for residential buildings in that they are:

- Sprinkler protecting the block
- Providing 120 minute fire resistance to the elements of structure
- Providing fire fighting shafts
- Providing non combustible insulation in the external wall construction

In addition, the recently published TGD B 2024 makes no reference to the provision of 2 escape stair in residential buildings with heights more than 30m.

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 2 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 a second escape stair to be provide to serve levels 8 through 13. Therefore, Condition 2 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 2 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

16th June 2025