



An
Bord
Pleanála

FSC Report

ABP-321830-25

**Appeal v Refusal or Appeal v
Condition(s)**

Appeal v Condition (Condition 2)

Development Description

Omission of fire hose reels and
change of classification of fire alarm
system to storage building

at

Unit 9, Century Business Park, Dublin,
Fingal, D11 FY74.

**Building Control Authority Fire Safety
Certificate application number:**

FRV2404948FL
(Submission No. 3018552)

Appellant

Seamus Lonergan

Appellant's Agent

Barry Kelly, Carew Kelly Architects

Building Control Authority:

Fingal County Council

Inspector

Colin Barden

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1.0 Introduction

- 1.1. The proposed development at Century Business Park, Fingal consists of material alterations to a storage building. Unit 7 is an existing 4-storey self-storage building and the adjacent Unit 9 is an existing storage building.
- 1.2. The original works to link Units 7 and 9 and provide new floors in Unit 9, new connections to existing stairs and new escape stairs was the subject of a Grant of Fire Safety Certificate Application with Building Control Authority (BCA) Ref. FSC2105925FL.
- 1.3. A Revised Fire Safety Certificate Application, with BCA Ref. FRV2404948FL was submitted to the BCA on 11/04/2024. The scope of the revised fire safety certificate application are material alterations consisting of the removal of fire hose reels and the change in category of the fire detection and alarm system. That Fire Safety Certificate Application was Granted with 3 Conditions on 08/01/2025. An appeal against Condition 2, below, was lodged with An Bord Pleanála (ABP) on 07/02/2025.

Condition 2:

Hose reels are to be provided in the building in accordance with Section 1.4.16 of Technical Guidance Document B.

Reason:

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

- 1.4. The subject of this report is an appeal v condition (Condition 2) attached to the Grant of Revised Fire Safety Certificate FRV2404948FL.

2.0 Information Considered

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

- Statutory and supporting documents submitted with the Revised Fire Safety Certificate Application on 11/04/2024.
- Grant of Fire Safety Certificate with 3 Conditions dated 08/01/2025
- Appeal by the Agent, Barry Kelly, Carew Kelly Architects on behalf of the Appellant, Seamus Lonergan, lodged with ABP on 07/02/2025

For clarity, references to the 'Appellant' in this report include submissions made on their behalf by their Agent in this appeal process. The term 'Applicant' is used when referring to the Fire Safety Certificate Application process.

3.0 Relevant History/Cases

- 3.1. As noted above the subject of this appeal is an appeal v condition (Condition 2) attached to a Revised Fire Safety Certificate Application. The original relevant history file is Fire Safety Certificate, FSC2105925FL, as Granted by the BCA.
- 3.2. This appeal concerns the provision of fire hose reels in a storage building. The appellant includes reference to a Board decision at another location, that will be commented on in the assessment of this appeal, below.

- ABP-305963-19

Aside from the above I am not aware of any relevant Board decisions at other locations that may be of assistance to the Board in determining the case.

4.0 Appellant's Case

4.1. The Appellant is appealing the attachment of Condition 2 to the grant of the fire safety certificate on the basis that it sets out requirements that are not necessary to demonstrate compliance with Part B of the Building Regulations. The following points are set out by the Appellant in support of the appeal:

- It is not proposed to provide fire hose reels per TGD-B 1.4.16 as it is considered that the provision of hose reels is neither desirable nor necessary in this case. The laying out of fire hose reels impede escape, staff should be tasked with evacuating rather than fighting fires. BS5588-11 offers a choice of fire extinguishers or fire hose reels. Extra fire extinguishers are provided to offset the omission of fire hose reels in this case.
- The Board previously determined a case, ABP-305963-19, which included the provision of fire hose reels in a storage building and upheld the appeal to remove the condition requiring fire hose reels.
- London Fire Brigade Statutory Notice SFS 1030 a8 July 2023 states *"the Authority no longer requires the provision of hose reels as a general condition of Section 20 requirements"*.
- Advice issued by London Fire & Civil Defence Authority in August 1999 sets out why fire hose reels should not be required and why extinguishers are a preferred option.

5.0 Building Control Authority Case

5.1. There was no response from the BCA on this appeal.

6.0 Assessment

6.1. De Novo assessment/appeal v conditions

- 6.1.1. Having regard to the nature of the appeal which is solely against a condition (Condition 2), and 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

- 6.2.1. Condition 2 regarding fire hose reels resulting from guidance in Section 1 of TGD-B 2006 (2020 reprint). Therefore the relevant regulation to be considered in the assessment of this appeal is:
- B1: Means of escape in case of fire
- 6.2.2. TGD-B is the prima facie design guidance to demonstrate compliance with Part B of the Second Schedule to the Building Regulations in Ireland and was used as the primary design code in the revised fire safety certificate application subject to this appeal, i.e. the 2006 (2020 reprint) edition in force at the time of the application. Fire hose reels are addressed in 1.4.16 of Technical Guidance Document B - 2006 (2020 reprint) (TGD-B 2020). Section 1.4.16 of TGD-B 2020 states that:

“Hose-reels conforming to I.S. EN 671: Part1: 1995 should be provided in a building, where the floor area exceeds 500 m², which is used as a shop (purpose group 4(a)), a shopping centre (purpose group 4(b)), industrial (purpose group 6) or for storage (purpose group 7(a), 7(b)).”

TGD-B was subject to public consultation in 2019 and the guidance in Section 1.4.16 was unchanged in the 2020 reprint.

- 6.2.3. The most recent version of TGD-B, the 2024 edition, also underwent extensive public consultation, with the guidance relating to fire hose reels in TGD-B 2024 having been updated, as Section 1.9.15.

1.9.15 Fixed Hose Reels

First-aid firefighting equipment is provided in buildings to be used by the occupants, with appropriate training and where it is safe to do so, in the early stages in the development of a fire.

A hose reel consists of a length of tubing fitted with a shut-off nozzle and attached to a reel, with a permanent connection to a pressurised water supply.

Hose reels should be provided in a building, where the floor area exceeds 500 m², which is used:

- (a) as a shop (Purpose Group 4(a)); or
- (b) as a shopping centre (Purpose Group 4(b)); or
- (c) for industrial (Purpose Group 6(a), or 6(b)) purposes; or
- (d) for storage (Purpose Group 7(a), 7(b), or 7(c)).

The installation of hose reels should comply with the relevant provisions of I.S. EN 671-1.

While portable fire extinguishers may be required under other legislation, their provision is excluded from the requirements of the Building Regulations.

While the 2024 edition of TGD-B is not used as the design code in this case that fact that the 2024 edition of TGD-B continues, following extensive public consultation, to require fire hose reels in storage buildings over 500m² does clearly underline the policy position in Ireland.

- 6.2.4. The “London Fire & Civil Defence Authority” advice referred to by the Appellant dates to 1999. This 26 year old document applies only to London (i.e. is not applicable throughout England). It is difficult to give any significant weight to a document of this age when many newer fire safety guides exist, including TGB-2006 (2020 reprint) and more recently TGD-B 2024, which have been specifically written for Ireland.
- 6.2.5. The “London Fire Brigade Statutory Notice SFS 1030 a8” referred to by the Appellant is more recent, from 2023. Again this document only applies to London, not throughout England. This document refers to “Section 20 Buildings” which is a designation under the London Building Acts (Amendment) Act 1939. The London Building Acts significantly predate modern building regulations but set out an approval process for certain designated buildings in inner city London. This legislation does not override Building Regulations. Section 20 designated buildings tend to be high rise, large buildings or places of public entertainment. It is noteworthy that the “London Fire Brigade Statutory Notice SFS 1030 a8” document referred to by the Appellant states:

“Following a suitable risk assessment, circumstances may be identified in other buildings, whereupon hose reels are considered to be the most appropriate form of first aid firefighting equipment. In such cases hose reels should still be recommended.”

Given that the building subject to this appeal may not have been designated a Section 20 Building in London, it is entirely possible that, following a suitable risk assessment, fire hose reels may still have been required in this building under this guidance document.

- 6.2.6. TGD-B was used as the prima facie design guidance in this case, however it is open to an Applicant to choose an alternative approach, as set out in the Department of Housing, Local Government and Heritage (DHLGH) *“Information Note on Alternative Approaches to Demonstrate Compliance with the Building Regulations”* published in March 2024. An alternative approach might, for example, consist of the use of alternative codes, or fire engineering design. When considering other codes the DHLGH Information Note highlights the need to be aware of policy or operational differences which, in my opinion, have not been considered in this appeal.
- 6.2.7. The DHLGH Information Note also permits the use of alternative codes. An example of an alternative code that could have been used for this building would be BS 9999: 2017 which notes that *“nearly all large fires start out as small fires and if they can be dealt with quickly and safely then major incidents might be avoided”* and recommends that *“hose reels should be installed where a fire risk assessment shows it to be necessary”*.

10.4.5 First aid fire-fighting

NOTE Nearly all large fires start out as small fires and if they can be dealt with quickly and safely then major incidents might be avoided.

First aid fire-fighting equipment should be of a type appropriate for the hazards and for the users of the building, and placed in locations where it can be readily deployed.

Portable fire extinguishers should be selected and positioned in accordance with BS 5306-8 and commissioned in accordance with BS 5306-3.

Hose reels should be installed where the fire risk assessment shows it to be necessary. Where installed they should be in accordance with BS 5306-1 and BS EN 671.

The report associated with ABP-305963-19, referred to by the Appellant states that, in that case, the Appellant undertook a fire risk assessment of the building contents and the omission of fire hose reels as per the recommendations of BS 9999. No

evidence has been submitted that a similar risk assessment has been carried out in this case.

ABP-305963-19 also pre-dates the most recent revisions of TGD-B (2024) which now, as noted above, clearly set out the *prima facie* policy position in Ireland regarding fixed fire hose reels in storage buildings.

7.0 Recommendation

- 7.1. Having regard to the above assessment it is my recommendation that the Board refuse this appeal.

8.0 Reasons and Considerations

- 8.1. Having regard to the statutory and supporting documents, submitted in connection with the Fire Safety Certificate Application, the documents submitted by the Appellant as part of this appeal, and to the report and recommendation of their reporting inspector, the Board is satisfied that the removal of Condition 2 is not warranted in this case.

9.0 Conditions

- 9.1. Not applicable. The recommendation is to refuse the appeal.

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.

Colin Barden

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04/07/2025