



An
Coimisiún
Pleanála

FSC Report

ABP-322168-25

Appeal v Condition (1 no.)

Appeal against Condition No. 9
attached to granted Fire Safety
Certificate (Reg. Ref. No. FSC/058/25)

Development Description

Proposed two-storey extension and
material alterations to an existing
nursing home, Newpark Care Centre,
The Ward Cross, Fingal.

Building Control Authority Fire Safety Certificate application number:

FSC 3025970

Appellant

Ciarán Larmer

Appellant's Agent

Factfire Limited

Building Control Authority:

Fingal County Council

Inspector

Dr. Raymond J. Connolly

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1.0 Introduction

- 1.1. The subject Fire Safety Certificate application relates to the proposed two-storey extension and material alterations to an existing nursing home known as Newpark Care Centre located at The Ward Cross, Newpark, Fingal.
- 1.2. The proposed works comprise the construction of a new two-storey Block D (comprising 31 no. new bedrooms at ground floor level along with various ancillary spaces and new first floor level staff welfare facilities); extension to existing Block B (comprising new laundry, storage, welfare and ancillary spaces) and material alterations within Block C. All blocks including Block A (not subject of the application) are contiguous.
- 1.3. The subject Fire Safety Certificate (Ref. FSC/058/25) was granted by Fingal County Council on 24th February 2025 subject to 12 no. conditions.
- 1.4. This appeal relates to the attachment of Condition No. 9 by Fingal County Council to the granted Fire Safety Certificate comprising:-

Condition No. 9

The extension shall be:-

- a) Provided with a sprinkler system in accordance with IS EN 12845:2015+A1:2019 *Fixed fire-fighting systems – automatic sprinkler systems – design, installation and maintenance* including Annex F *Additional Measures to improve system reliability and availability*, incorporating at least one single superior water supply.

OR

- b) Provided with a sprinkler system in accordance with BS 9251:2021 *Fire sprinkler systems for domestic and residential occupancies – code of practice* that shall include the following minimum requirements
- a. A minimum duration of operation of 60 minutes;
 - b. An on-site water storage capacity, suitable to meet the flow requirements and duration of the system but not less than 3m³;

- c. a primary and an alternative power supply;
- d. a duty and standby pump.

Reason

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

- 1.5. In my opinion, the specific nature of the appeal versus the attachment of Condition No. 9 to the Fire Safety Certificate does not require *de novo* consideration in this instance.

2.0 Information Considered

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

- Letter of Appeal to An Bord Pleanála (now An Coimisiún Pleanála) from Factfire Limited acting on behalf of Mr. Ciarán Larmer dated 24th March 2025.
- Fire Safety Certificate issued by Fingal County Council under reference Ref. FSC/058/25 dated 24th February 2025 and subject of 12 no. conditions.
- Factfire Limited *Fire Safety Certificate Application (Issue 001)* and associated drawings submitted on 26th November 2024.

Relevant History/Cases

- 2.2. I am not aware of any other Board decisions in respect of other developments elsewhere that may be relevant to this appeal and accordingly I am offering my opinion to the Board in this matter solely on the basis of the information provided to me as scheduled in Paragraph 2.1 above.

3.0 Appellant's Case

3.1 The appellant's agent (Factfire Limited) includes the following points in support of the appeal:

- The demonstration of compliance with Part B to the Building Regulations by Factfire Limited relied upon adoption of the relevant guidance contained in Technical Guidance Document B (2006 Edition).
- Factfire Limited have scheduled all references to automatic sprinkler protection within Technical Guidance Document B and confirm that none of the references relate to the subject nursing home, same comprising a Purpose Group 2(a) building that is less than 30 metres in height.
- Compliance with the guidance in Technical Guidance Document B provides *prima facie* evidence of compliance with Part B to the Building Regulations.

3.2 The appellant also highlights that the subject design also meets the guidance contained in the recently published Technical Guidance Document B (2024 Edition) which has been updated from the previous 2006 Edition to specifically address the need for sprinkler protection within residential care buildings. In such a context and notwithstanding the fact that the subject works are not subject of the 2024 version of Technical Guidance Document B, the appellant confirms that:-

- The existing residential care building is not provided with automatic sprinkler protection.
- The proposed extension and material alterations do not include provision of any new bedrooms located on a storey above ground floor level.

3.3 Compliance with the guidance in Technical Guidance Document B (2024 Edition) provides *prima facie* evidence of compliance with Part B to the Building Regulations.

4.0 Building Control Authority Case

4.1 Fingal County Council has not offered any commentary regarding the appeal.

5.0 Assessment

“De Novo” assessment/appeal v conditions

Having regard to the nature of the appeal which is solely against attachment of a condition 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).

6.0 Content of Assessment

6.1 The applicant has sought to justify compliance of the proposed extension to the existing residential care building with Part B to the Building Regulations by reference to Technical Guidance Document B (2006) + A1 (2020). In this regard, the basis for design presented in Technical Guidance Document B does not require provision of automatic sprinkler protection to residential care buildings of the type subject of the current application.

6.2 The *de-facto* situation in Ireland is that adoption of those “off-the-shelf” design solutions outlined in Technical Guidance Document B allows designers to claim *prima facie* demonstration of compliance with Part B of the Second Schedule of the Building Regulations. An Coimisiún Pleanála (formerly An Bord Pleanála) has been consistent in supporting this position in many appeals relating to new or changing fire safety hazards that are not recognised within the guidance contained in Technical Guidance Document B.

- 6.3 This appeal is therefore considered in the context of the proposed design demonstrating its compliance with Technical Guidance Document B (as the document deemed to demonstrate *prima facie* compliance with Part B to the Building Regulations).
- 6.4 I am satisfied that in respect of the issue subject of appeal, the requirement to provide automatic sprinkler protection to the extension is not supported by reference to Technical Guidance Document B (in neither the 2006 nor the 2024 Editions).

7.0 Recommendation

- 7.1 The appeal against the attachment of Condition No. 9 does not require *de novo* consideration under Article 40(1).
- 7.2 Having regard to the presented design of the new extension and material alterations to the existing residential care building and the accompanying technical compliance report, to the submissions made in connection with the Fire Safety Certificate application and the appeal, and to the report and recommendation of the reporting Inspector, it is considered that, by reference to the appellant's chosen basis for design, Technical Guidance Document B, the Commission was satisfied that the Building Control Authority be directed to remove Condition No. 9 and the reason therefor. The Board was further satisfied that, subject to the removal of Condition No. 9, it has been demonstrated that the subject works, if constructed in accordance with the design presented with the application, would comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997, as amended – subject to the retention of the remaining 11 no. Conditions attached to Fire Safety Certificate FSC/058/25 by Fingal County Council.

8.0 Conditions

- 8.1 My recommendation is that Condition No. 9 subject of the current appeal be removed.
- 8.2 The remaining 11 no. conditions as scheduled to Fire Safety Certificate FSC/058/25 shall remain as drafted by Fingal County Council.

9.0 Sign off

- 9.1 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.

Dr. Raymond J. Connolly

BE, PhD, CEng, MIEI, MIFireE

dated

6th August 2025