



An
Coimisiún
Pleanála

FSC Report ABP-322358-25

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

Appeal of one condition attached to a
granted Fire Safety Certificate

Development Description

Construction of a Single Storey Retail
Unit and Storage

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

FSC/24/163
(SN3025051/FSC2510227DL)

Appellant

Deramore Investment Holdings Ltd.

Appellant's Agent

Mr Paul Sweeney ORS

Building Control Authority:

Donegal County Council

Inspector

Brian Crowley

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	4
6.0 Assessment	5
7.0 Recommendation	6
8.0 Reasons and Considerations	6
9.0 Conditions	6
10.0 Sign off	6

1.0 Introduction

- 1.1. The development comprises of a single storey retail unit to include Deposit Return Scheme area (DRS), licensed alcohol sales area, bulk store, ancillary offices, staff facilities, cage marshalling area bin storage & service yard.
- 1.2. This application relates to a new building.
- 1.3. This appeal is made in respect of one condition to a granted Fire Safety Certificate (Condition 5).
- 1.4. The condition being appealed is

Condition 5: The DRS room shall be enclosed in fire rated construction achieving minimum 30 minutes fire resistance for loadbearing capacity (where applicable), integrity and insulation when tested to the relevant European Standard or relevant parts of BS 476

2.0 Information Considered

The information considered in this appeal comprised the following:

- Drawings and report submitted with the application on 25/10/2024
- Further information and Drawings received by the BCA on 08/11/2025, 19/02/2025, 20/02/2025 & 07/03/2025
- Copy of BCA decision
- Appeal received by An Coimisiún Pleanála on behalf of the appellant on 23/04/2025
- Drawings received by the Board with the appeal on 08/05/2025
- Submissions received from the BCA on the appeal on 06/05/2025
- Further submissions received by the appellant on 09/06/2025

3.0 Relevant History/Cases

- 3.1. I am not aware of any relevant Building Control history to this appeal site.
- 3.2. I am not aware of any decisions made by ABP at other locations that are relevant to this appeal

4.0 Appellant's Case

- 4.1. The appellant is appealing the attachment of condition 5 to the grant of 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 in support of the appeal:

- The DRS area wouldn't meet the definition of ancillary accommodation as defined in BS5588 Part 11, Clause 15.2 and Table 11
- The DRS area does not represent a higher risk than any products on the retail shelves. The fire load in the DRS room remains low compared to the overall sales floor which contains significant quantities of plastics, paper, cardboard and various cooking oils.
- The DRS area is not considered a place of special fire risk in accordance with Clause 8.1.1 c) of BS 5588-11:1997

5.0 Building Control Authority Case

- 5.1. The BCA response was as follows:
- The DRS area does meet the definition of ancillary accommodation as defined in BS5588 Part 11, Clause 15.2 and Table 11 based on the storage of dried plastics.
 - The DRS room does have an increased fire risk above that of the main retail area based on below factors
 - Storage of large quantities of dried plastics
 - Presence of mechanical vending type machines and conveyor equipment

- Infrequent and irregular access and surveillance by staff members
- Significant floor area of 23m² which could also be used for general storage at any time
- The DRS room is no different to back of house areas which have full fire separation from the retail space, and it is also similar to small cleaner's stores which are further enclosed in 30 minute fire resistant construction in the back of house area.

6.0 Assessment

6.1. Appeal v conditions

Having regard to the nature of the appeal which is solely against 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.

6.2. Content of Assessment

As noted in the FSC AI response letter dated 19th February 2025, the DRS room is where members of the public return empty plastic bottles and aluminium cans into a machine for recycling which are then temporarily stored in the room until they are emptied when the bins are full, or at the end of the day.

I would consider the DRS room to be an ancillary room as it ancillary to the main use of the building as per the definition outlined in BS 5588-11:1997.

Clause 15.2 BS 5588-11:1997 stipulates that ancillary accommodation should be separated from the remainder of the building (particularly in buildings used by the general public) in accordance with Table 11.

The DRS room would be comparable to a storage room as per table 11. Furthermore, the examples given for ancillary accommodation that don't present a greater fire hazard than the main accommodation are not comparable to the DRS room.

Table 11 BS 5588-11:1997 notes that storage areas not greater than 450m² (other than refuse stores) should be separated from other parts of the with robust construction having minimum fire resistance of 30 minutes.

7.0 Recommendation

On the basis of my assessment, I recommend that An Coimisiún Pleanála direct the BCA to retain Condition 5.

8.0 Reasons and Considerations

Having regard to the FSC application and appeal made, I am of the opinion that the BCA are correct in their reasoning that the DRS room is considered an ancillary room requiring fire separation from the remainder of the building in accordance with Clause 15.2 and Table 11 BS 5588-11:1997. On this basis the Board was satisfied that the Building Control Authority be therefore directed to attach condition number 5 and the reason therefor.

9.0 Conditions

Condition 5 to be retained as outlined below.

Condition 5: The DRS room shall be enclosed in fire rated construction achieving minimum 30 minutes fire resistance for loadbearing capacity (where applicable), integrity and insulation when tested to the relevant European Standard or relevant parts of BS 476

Reason: To demonstrate compliance with Part B of the Second Schedule of the Building Regulations 1997- 2022 Section B1: Means of Escape in Case of Fire & Section B3: Internal Fire Spread (Structure)

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.

Brian Crowley

18/11/2025