

An
Coimisiún
Pleanála

FSC Report

ACP-323346-25

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

Development Description

Building Control Authority Fire Safety

Certificate application number:

Appellant

Appellant's Agent

Building Control Authority:

Inspector

**Appeal v Condition
(Condition 13)**

Construction of 30 No. apartments in
one five storey block over basement
car park
at

Block 3, The Leys, Glenamuck Road,
Carrickmines, Dublin 18

FSC2408795DR/7DN

(Submission No. 3026793)

Deane Property

Mr. Paul McGrath,
Maze Fire Consulting

Dún Laoghaire-Rathdown County
Council

Colin Barden

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1.0 Introduction

The proposed development at Block 3, The Leys, Glenamuck Road, Carrickmines, Dublin 18, consists of the construction of 30 No. apartments in one five storey block over basement car park.

- 1.1. A Fire Safety Certificate Application, with Building Control Authority (BCA) Ref. FSC2408795DR/7DN was submitted to the BCA on 09/12/2024. That Fire Safety Certificate Application was Granted subject to 14 Conditions on 11/07/2025. An appeal against Condition 13, below, was lodged with An Coimisiún Pleanála (ACP) on 07/08/2025.

“Condition 13:

A suitable automatic sprinkler system is to be installed throughout the basement to IS EN 12845: 2015 + A1: 2019.

Reason:

To comply with Part B of the Second Schedule to the Building Regulations, 1997 to 2024.”

- 1.2. The subject of this report is an appeal v condition (Condition 13).

2.0 Information Considered

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

- Statutory and supporting documents submitted with the application on 09/12/2024.
- Grant of Fire Safety Certificate with 14 Conditions dated 11/07/2025.
- Appeal by the Agent, Mr. Paul McGrath, Maze Fire Consulting, on behalf of the Appellant, Deane Property, lodged with ACP on 07/08/2025
- BCA response to the Appeal, dated 10/09/2025.
- Further submission by Agent on behalf of the Appellant, dated 13/10/2025

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. I am not aware of any relevant building control history relating to the appeal site, including any previous FSC, Revised FSC, Regularisation FSC or/and any dispensation or relaxation of the Building Regulations.

3.2. This appeal concerns the provision of sprinklers in a basement car park. There have been other relevant Commission decisions at other locations that may be of assistance to the Commission in determining this case, a non-exhaustive list is given below.

- ABP 312605-22
- ABP 315367-23
- ABP 315985-23
- ABP 317213-23
- ABP 318731-23
- ABP 319294-24

4.0 Appellant's Case

4.1. The Appellant is appealing the attachment of Condition 13 to the Grant of Fire Safety Certificate Application on the basis that compliance with Part B of the Building Regulations can be demonstrated without sprinklers in the basement car park. The following points are set out in support of the appeal:

- The Appellant notes that the works are designed to comply with the requirements of Technical Guidance Document - B 2006 (2020 reprint) (TGD-B) which is the *prima facia* guidance for compliance with Part B (fire) of the Second Schedule to the Building Regulations.
- TGD-B only refers to sprinkler coverage in the following cases:
 - Where the building has a top floor of more than 30m above ground or
 - Where a residential building includes open plan flats the design of the design of which complies with Section 1.6.3 of TGD-B.
- The Appellant notes that in this case:
 - The proposed building will have a top floor of 12.75m above ground.
 - The flats are not open plan (entrance hallways are proposed).
- Given the above the Appellant notes that there is no requirement in TGD-B for the provision of sprinklers in this building.

4.2. Following receipt of the BCA's response to the initial appeal submission the Appellant also makes the following points:

- The basement car park is provided with (2.5%) natural ventilation to 3.2.5.4 of TGD-B.
- Section 3.5.2 of TGD-B referenced by the BCA states "*car parks are not normally expected to be fitted with sprinklers*".
- Section 5.4.3.1 of TGD-B states "*Basement car parks are not normally expected to be fitted with sprinklers*".
- The Fire Safety Certificate Application under appeal used TGD-B 2006 (2020 reprint) as the design guide. However, TGD-B 2024 has now been published and the guidance is unchanged, there is no requirement in TGD-B 2024 for sprinklers in a basement car park.

5.0 Building Control Authority Case

5.1. The BCA set out their response to the Appeal as follows:

- The BCA contend that guidance in 3.5.2 (a) of TGD-B 2006 (2020 reprint) stating that *“the fire load is well defined and not particularly high”* is outdated and does not take into account the fire load of modern vehicles which tend to be larger and have more plastic content and an increased presence of electric vehicles (EVs).
- The BCA consider that the guidance in 3.5.2 (b) of TGD-B 2006 (2020 reprint) stating that there is *“a low probability of fire spread”* is outdated and contend that this statement does not adequately take account of fire spread between cars given a modern vehicle fire in an enclosed car park.
- Appendix A to the BCA response sets out *“Fire Risks Associated with Modern Vehicles in an Enclosed car Park”*. This text summarises the following in a manner supportive of the points made by the BCA as set out above.
 - UK Ministry of Technology and Fire Officers Committee Joint Fire Research Organisation (Fire Note 10)
 - BRE - Fire spread in car parks, BD 2552, Department for Communities and Local Government, 2010
 - NFPA Modern Vehicle Hazard in Parking Garages and Vehicle Carriers 2020
 - Case Studies
- Appendix B to the BCA response contains a copy of a technical paper *“Characterizing EV vs ICE Hazards in Parking Structures; Result of Full-Scale Testing”* by the ‘Fire Protection Research Foundation’. The BCA state that this paper compares the preliminary results of full-scale fire tests for battery electric vehicles (EVs) and internal combustion engines (ICE) vehicles in a sprinkler protected parking structure and highlights the importance of sprinkler

protection to control modern vehicle fires and to reduce the potential risk of fire spread between vehicles in adjacent parking spaces.

6.0 Assessment

6.1. *De Novo* assessment

Having regard to the nature of the appeal which is solely against Condition 13, 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 Commission 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

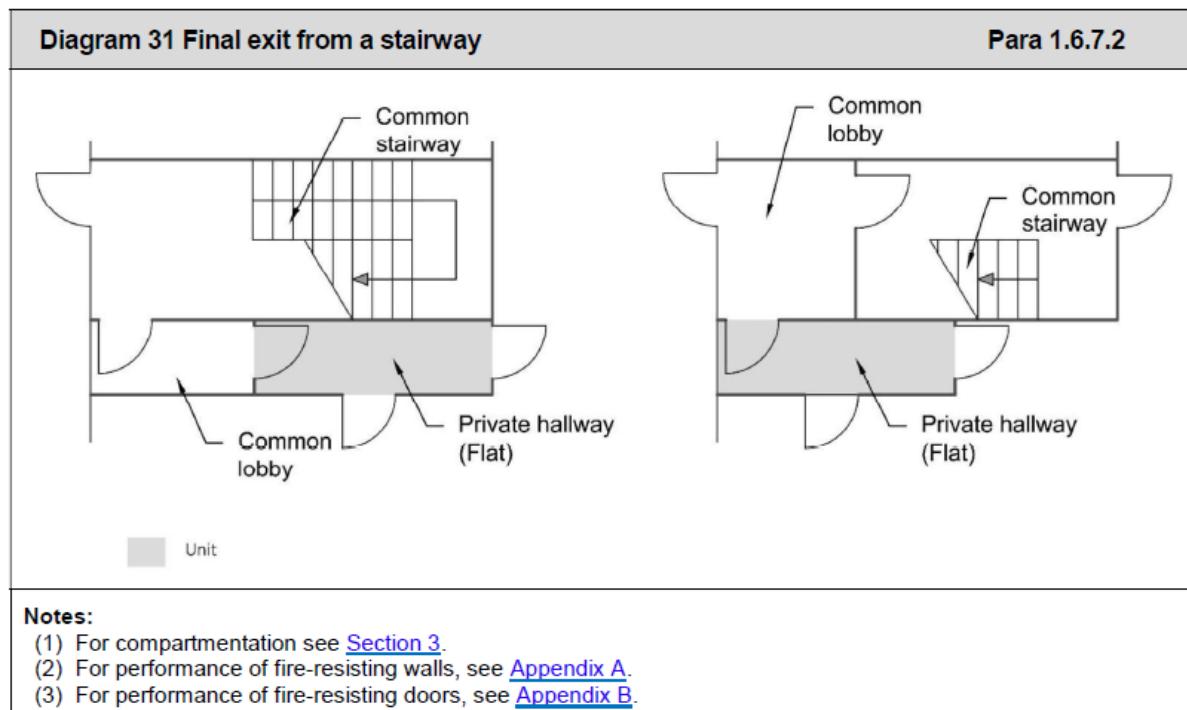
The reason given with the attachment of Condition 13 to the Grant of Fire Safety Certificate is “*To comply with Part B of the Second Schedule to the Building Regulations, 1997 to 2024.*” . The BCA has not broken down the reason for the condition to one or more Regulations and therefore all of Regulations B1 to B5 are included and will each be considered below.

6.2.1. Regulation B1

Regulation B1 – ‘Means of Escape in Case of Fire’ was included by the BCA in their reason for refusal. The Appellant submits on appeal that there is no requirement in TGD-B (including Section 1) for sprinklers to be provided in basement car parks. In their subsequent submission to the Commission the BCA do not expand on their reasons for including Regulation B1. I would therefore agree with the Appellant on this point, there is no requirement in TGD-B to provide sprinklers under Regulation B1.

In carrying out this assessment one additional point arises. 1.3.7 of TGD-B requires that basement stairs be separated from a single stairs serving upper storeys by a protected lobby. There is an attempt to provide a protected lobby (annotated as ‘Entrance Hallway’) at ground floor level for this purpose however, in my opinion, the

layout proposed does not comply with 1.3.7 in that the sole means of escape from the single stairs is via the protected lobby (effectively rendering the lobby as being part of the stairs enclosure, not a separate lobby). There is a new Diagram 31 in TGD-B 2024 (copy below) which, although related to guidance on the separation of flats, illustrates the issue of common lobby versus common stairway.



The layout proposed in this case is as per the right hand side of Diagram 31, however no direct exit doorway from the stairs is proposed. In my opinion this proposed layout does not comply with Regulation B1. Given the Appellants desire to remove the condition requiring sprinklers in the basement car park this issue will need to be rectified.

In my opinion it is not possible to provide a protected lobby, as described in 1.3.7 of TGD-B, at ground floor level without significant design changes. There is already a protected lobby between the basement stairs and the basement car park, however I see no reason why a second (consecutive) protected lobby cannot be provided in this location effectively providing the double lobby protection resulting from compliance with 1.3.7 of TGD-B. The outermost lobby should be provided with a $0.4m^2$ permanent vent as per 1.3.8.4 of TGD-B (or mechanical equivalent as now permitted by TGD-B 2024).

6.2.2. Regulation B2

Regulation B2 – ‘Internal Fire Spread (Linings)’ was included by the BCA in their reason for refusal. The Appellant submits on appeal that there is no requirement in TGD-B (including Section 2) for sprinklers to be provided in basement car parks. In their subsequent submission to the Commission the BCA do not expand on their reasons for including Regulation B2. I would therefore agree with the Appellant on this point, there is no requirement in TGD-B to provide sprinklers under Regulation B2.

6.2.3. Regulation B3

Regulation B3 – ‘Internal Fire Spread (Structure)’ was included by the BCA in their reason for refusal. The Appellant submits on appeal that there is no requirement in TGD-B (including Section 3) for sprinklers to be provided in basement car parks and that 3.5.2(a) of TGD-B states that “*the fire load is well defined and not particularly high*”. The BCA contend that the guidance in TGD-B 2006 (2020 reprint) is out of date and does not account for the fire load of modern vehicles such as increased use of plastics and increased presence of EVs. I note that the version of TGD-B used as the design code in this application (the 2020 reprint) was subject to public consultation in 2019. I further note that the most recent version of TGD-B 2024 which came into effect on 1st May 2025 also underwent extensive public consultation, with the guidance relating to car parks in TGD-B 2024 having been updated and a new Section 8 added specifically dealing with sprinkler systems. During this most recent review of TGD-B there was opportunity for due consideration of the fire load of modern vehicles and the increased presence of EVs however the 2024 edition has not been amended to require sprinklers in basement car parks.

The BCA also contend that the guidance in TGD-B states that there is “a low probability of fire spread from one car to another” and that the guidance in 3.5.2(b) of TGD-B 2006 (2020 reprint) is also out of date. In addition to the commentary above regarding the review and updating of TGD-B I note that the relevant sentence from 3.5.2(b) of TGD-B states that “*Where the car park is well ventilated, there is a low probability of fire spread from one storey to another.*” Therefore TGD-B does not refer to a low probability of fire spread between cars as interpreted by the BCA but

only that fire spread between storeys is a low probability. For a non-open sided basement car park TGD-B 2006 (2020 reprint) specifies ventilation requirements and an increased fire resistance requirement (compared to open-sided car parks), which appear to have been complied with in the proposed design, but does not require sprinklers.

Although the BCA do raise some valid items of consideration regarding fires in modern vehicles TGD-B is the *prima facia* guidance for compliance with Part B of Building Regulations and, neither TGD-B 2006 (2020 reprint), (as used as the primary design code in this case), nor the more recent TGD-B 2004 require sprinklers in basement car parks. I would therefore agree with the Appellant on this point, there is no requirement in TGD-B to provide sprinklers under Regulation B3.

6.2.4. Regulation B4

Regulation B4 – ‘Means of Escape in Case of Fire’ was included by the BCA in their reason for refusal. The Appellant submits on appeal that there is no requirement in TGD-B (including Section 4) for sprinklers to be provided in basement car parks. In their subsequent submission to the Commission the BCA do not expand on their reasons for including Regulation B4. I would therefore agree with the Appellant on this point, there is no requirement in TGD-B to provide sprinklers under Regulation B4.

6.2.5. Regulation B5

Regulation B5 – ‘Access and Facilities for the Fire Service’ was included by the BCA in their reason for refusal. The Appellant submits on appeal that there is no requirement in TGD-B (including Section 5) for sprinklers. The Appellant notes that 5.4.3.1 of TGD-B specifically states “*Basement car parks are not normally expected to be fitted with sprinklers*”. In their subsequent submission to the Commission the BCA state that the primary reasons for the inclusion of Condition 13 was compliance with Regulation B5 (albeit the reason included with the Condition refers to Part B, not just Regulation B5). The BCA note that Fire Brigades are facing challenges when encountering car park fires. The BCA refers to 3.5.2 of TGD-B and also include a copy of a technical paper “*Characterizing EV vs ICE Hazards in Parking Structures; Result of Full-Scale Testing*” by the Fire Protection Research Foundation in Appendix B of their response to the appeal. The BCA states that this paper compares the preliminary results of full-scale fire tests for battery electric vehicles (EVs) and internal combustion engines (ICE) vehicles in a sprinkler protected parking structure and highlights the importance of sprinkler protection to control modern vehicle fires and to reduce the potential risk of fire spread between vehicles in adjacent parking spaces. Again I note that 3.5.2(b) of TGD-B states that “*Where the car park is well ventilated, there is a low probability of fire spread from one storey to another.*” i.e. the *prima facia* guidance in TGD-B does not seek to prevent fire spread between cars, only between storeys. Therefore, in my opinion, the imposition of a condition seeking to control fire spread between cars (by virtue of mandating sprinklers) is clearly outside the scope of the *prima facia* guidance.

The technical paper submitted “*Characterizing EV vs ICE Hazards in Parking Structures; Result of Full-Scale Testing*” is part of a 3 phase project being sponsored by the National Fire Protection Association (NFPA) as follows:-

- Phase 1: Modern Vehicle Hazards in Parking Garages and Vehicles Carriers
- Phase 2: Classification of Modern Vehicle Hazards in Parking Structure and Systems

- Phase 3: Classification of Modern Vehicle Hazards and Parking Structures Protection: Full Scale Fire and Sprinkler Testing.

This project does not examine the need for sprinklers in car covered car park or otherwise in terms of life safety. The stated aim of this project is to quantify the fire hazard of modern vehicles in parking structures and vehicle carriers to provide guidance for the applicable technical committees (e.g. NFPA 13, NFPA 88A, and NFPA 301) which already assume a degree of sprinkler coverage. NFPA Codes tend to have a different focus than Irish codes, for example the purpose of NFPA 13 as stated in that standard is *“to provide a reasonable degree of protection for life and property from fire”*. Whereas Irish building regulations are primarily concerned with life safety. In my opinion this technical research paper is therefore not directly applicable to the issue of sprinklers in covered car parks in an Irish context.

I would therefore agree with the Appellant on this point, there is no requirement in TGD-B to provide sprinklers under Regulation B5.

6.3. Conclusion

My conclusion is that Condition 13 should be reworded and the requirement for sprinkler protection to the basement car park should be removed. In the absence of sprinklers in the basement car park new wording should be included to deal with the lobby issue identified under Regulation B1 above. The reason for this condition should also be amended to specify Regulation B1.

7.0 Recommendation

Having regard to the above assessment it is recommended that the Appeal be upheld and that the Building Control Authority be directed to amend Condition 13 for the reasons and considerations set out below.

8.0 Reasons and Considerations

8.1. Having regard to the statutory and support documents submitted with the Fire Safety Certificate Application, the documents submitted by the Appellant as part of this appeal regarding the construction of 30 No. apartments in one five storey block over basement car park at Block 3, The Leys, Glenamuck Road, Carrickmines, Dublin 18, to the guidance provided in Section 3.5.2 (Car Parks) and Section 5.4.3.1 (Basements) of Technical Guidance Documents-B 2006 (2020 reprint), and to the report and recommendation of the reporting inspector, it is considered that it has been demonstrated by the first party Appellant that the basement car park does not require sprinkler protection to meet the requirements of Part B of Building Regulations (as per the *prima facia* guidance set out in Technical Guidance Document B - 2006 (2020 reprint)). Therefore, the attachment of Condition 13 to the Grant of Fire Safety Certificate was considered by the Commission to not be warranted. The Commission was satisfied that, subject to the attachment of an amended Condition 13 in relation to a Regulation B1 issue identified by the reporting inspector during the course of the assessment, it has been demonstrated that the works, if constructed in accordance with the design presented within the application and appeal, would comply with the requirements of Part B of the second schedule to the Building Regulations 1997, as amended.

9.0 Conditions

Should the Commission decide to uphold the appeal, the following amended wording of Condition 13 is recommended.

Condition 13:

The protected stairs linking the basement car park to the ground floor level shall be separated from the basement car park by double (i.e. two consecutive) protected lobbies of minimum 30 minute fire resisting construction, and FD30S rated self-closing fire doorsets, at basement level. The protected lobby immediately opening off the basement car park shall be provided with a permanent vent of 0.4m², or a mechanical equivalent.

Reason for Condition 13:

In order to comply with Regulation B1 of Part B (Fire) of the Second Schedule to the Building Regulations 1997 (as amended).

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

BEng (Hons) (Fire Eng.), MSc (Fire Eng.), CEng MIEI

18/12/2025