



An
Coimisiún
Pleanála

FSC Report

ACP-323785-25

Appeal v Conditions:

Appeal v Conditions 9, 10 and 23.

Development Description:

Proposed fire safety certificate application for material alterations (128m²) at existing single-storey store (floor area 6,506m²) (Planning reference number – PL – 1986-55) at Tirlán, Ballyconra, Ballyragget, County Kilkenny, R95 YX58.

Building Control Authority Fire Safety

Certificate Number:

FSC/25/063.

Appellant:

Tirlán Limited.

Appellant's Agent:

ORS,
Marlinstown Office Park,
Marlinstown,
Mullingar,
Co. Westmeath.
N91 W5NN.

Building Control Authority:

Kilkenny County Council Fire and
Rescue Service.

Inspector:

Joe Ryan.

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1.0 Introduction

1.1. The appeal submitted to An Coimisiún Pleanála relates to a Fire Safety Certificate Application for material alterations at Tirlán, Ballyconra, Ballyragget, County Kilkenny, R95 YX58. The building is an existing single-storey cold store warehouse with a floor area of 6,506m² to which a small 128m² office area is being introduced. The new office area includes a meeting room, canteen, locker room and other associated facilities. The area of the warehouse is not being extended.

1.2. A Fire Safety Certificate was granted for the building on August 26th, 2025 – FSC/25/063: *Proposed fire safety certificate application for material alterations (128m²) at existing single-storey store (floor area 6,506m²) (Planning reference number – PL – 1986-55) at Tirlán, Ballyconra, Ballyragget, County Kilkenny, R95 YX58.*

A decision was made by Kilkenny County Council Fire and Rescue Service to grant Fire Safety Certificate FSC/25/063 with twenty-three conditions, of which Conditions 9, 10 and 23 are being appealed. The Appellant is ORS, Marlinstown Office Park, Marlinstown, Mullingar, Co. Westmeath. N91 W5NN.

Condition 9:

REFRIGERANT GAS INSTALLATIONS

(Ammonia IS EN 378 (latest version))

9 All Refrigerant Gas Installations shall be designed, installed, commissioned and maintained in accordance with Section 1.4.17, Technical Guidance Document Part B, Building Regulations 2006 and NSAI IS EN 378 series (latest version) and/or other equivalent approved other standard; where relevant all Heat Producing Appliances shall be installed, commissioned and maintained in accordance with Section 1.4.17 Technical Guidance Document Part B Building Regulations 2006 and NSAI IS 820 (latest version) and/or other equivalent approved other standard.

9.1 The engineering Irish Standard IS EN 378 – ‘Refrigerating systems and heat pumps - Safety and environmental requirements’ (latest version) - an assessment of existing refrigerant gases installation shall be undertaken and where necessary

improvement works and industry best practice norms be established to this existing installation to meet modern minimum safety standards.

9.2 The designation and classification of the refrigerants within the design shall be prescribed and defined for clarity in accordance with NSAI IS EN 378 series (latest version).

9.2.1 IS EN 378-1:2016 + A1:2020 (latest version) - Refrigerating systems and heat pumps - Safety and environmental requirements - Part 1: Basic requirements, definitions, classification and selection criteria.

9.3 Some items the fire authority require to be considered and addressed as part of the design shall be as follows –

9.4 Ventilation;

9.5 Air change rates;

9.6 Emergency air change rates;

9.7 Emergency mechanical ventilation;

9.8 Safety classifications;

9.9 Potential hazards for refrigerating systems;

9.10 Ventilation from the plant room / plant space / machinery room;

9.11 Safety alarms;

9.12 Remote emergency switch(s);

9.13 Safety shut-off valves;

9.14 Emergency lighting;

9.15 Electrical Installations - ATEX rating where appropriate;

9.16 Detection - location of detectors with type and performance of detectors – (reference Section 9.0 of IS EN 378 – Part 3 – (latest version)(2016);

9.17 Instructions and notices – (reference Section 10.0 of IS EN 378 - Part 3 - (latest version) (2016);

9.18 PPE - personal protective equipment

9.18.1 Respirators and their emergency use.

9.19 Suitable means for isolating supplies in the event of fire shall be provided in an appropriate place and signed accordingly, and where necessary this isolation shall be automated and interfaced with the Fire Detection and Alarm System.

9.20 Suitable and adequate ventilation shall be provided for the installation and where necessary this ventilation shall be automated and interfaced with the Fire Detection and Alarm System.

9.21 The certification(s) of the whole gas installation within these premises shall be presented to the fire authority for file purposes upon completion.

9.22 The gas installation shall be installed in accordance with the latest version of NSAI IS EN 378 and/or equivalent approved other standard.

9.23 A declaration of conformity certificate shall be issued to the fire authority for review and file purposes, this declaration shall be fully completed in ink by an authorised and competent person.

9.24 Prior to commencement on-site, provide amended drawing(s) showing the location of the refrigerant gas isolation valve(s) to the fire authority and any further such drawings with details as requested by the fire department

Reason

To ensure compliance with the regulations.

In order to comply with Regulation B1 of Part B (Fire Safety) of the Second Schedule of the Building Regulations 1997 to 2024.

To ensure an adequate provision of facilities for the fire authority in the event of fire, for firefighting within and around the development for the purpose of protection of life and property from fire, whether such outbreak has occurred or not.

To ensure that adequate safety control measures have been taken to protect firefighters with specific reference made to the national standards and best practice for refrigerant gas installations.

To ensure the protection of the entire building.

Notes:

The fire authority references the following engineering standards -

- a. EN 378 series.
- b. IS EN 378-1:2016+A1:2020 (latest version) - Refrigerating systems and heat pumps - Safety and environmental requirements – Part 1: Basic requirements, definitions, classification and selection criteria.
- c. IS EN 378-2:2016 (latest version) - Refrigerating systems and heat pumps - Safety and environmental requirements – Part 2: Design, Construction, Testing, Marking and Documentation.
- d. IS EN 378-3:2016+A1:2020 (latest version) - Refrigerating systems and heat pumps - Safety and environmental requirements – Part 3: Installation site and personal protection.

Condition 10:

SUPPRESSION SYSTEMS – Localised Suppression System

10. The provision of automatic sprinkler systems can greatly improve the effectiveness of firefighting operations. Facilities for fire suppression for the purpose of assisting the fire service in the protection of life and property may be necessary subject to risk assessment.

10.1 The automatic (gaseous) suppression systems shall be provided within the premises - in specific areas - in accordance with the drawing references –

10.1.1 240942-ORS-ZZ-00-DR-FS-310 – REV-PO1 GROUND FLOOR PLANS and PLANNING OVERLAY

10.1.2 240942-ORS-ZZ-00-DR-FS-310 – REV-PO2 ENTIRE GROUND FLOOR PLANS

10.2 Specifically within the following risk areas:

10.2.1 Forklift charging areas.

10.3 Consultation with the fire authority shall be required.

10.4 An appropriate reference for automatic sprinkler systems (other media) may be the following –

10.4.1 BS EN 16750 - 2017 + A1-2020 - Fixed firefighting systems - Oxygen reduction systems – Design, installation, planning and maintenance;

10.4.2 BS 5306 - Part 4 -2001 + A1-2012 - Fire extinguishing installations and equipment on premises specification for carbon dioxide systems - includes A1 Apr 12;

10.4.3 BS EN 15004 - Part 1- 2019 - Fixed firefighting systems - Gas extinguishing systems - Part 1: Design, installation and maintenance (ISO 14520 - Part 1 - 2015 modified).

10.4.4 and / or equivalent approved standards.

Reason

To ensure compliance with the regulations.

In order to comply with Regulation B1 of Part B (Fire Safety) of the Second Schedule of the Building Regulations 1997 to 2024.

In order to comply with Regulation B3 of Part B (Fire Safety) of the Second Schedule of the Building Regulations 1997 to 2024.

In order to comply with Regulation B5 of Part B (Fire Safety) of the Second Schedule of the Building Regulations 1997 to 2024.

To ensure an adequate provision of facilities for the fire authority, in the event of fire, for firefighting within and around the development for the purpose of protection of life and property from fire, whether such outbreak has occurred or not.

To ensure that in the event of a fire incident, that the appropriate fire suppression can be correctly and quickly placed near the seat of the fires, due to the scale of the existing and proposed extension and the limited effective range of the firefighting branches in use today with regard to the health and safety considerations for our firefighting personnel.

Condition 23:

RADIO COMMUNICATIONS

(Fire and rescue service designated hand portable UHF radio frequencies)

23 Any radio communications system proposed for the use of the fire and rescue service shall be in accordance with the Fire Services Council – Fire-fighter Handbook - Section 2.42.

23.1 The frequencies are as follows

Appendix II Fire Service - UHF Channels for hand portable radios

UHF Channels – Fire Service			
CHANNEL	Tx (MHz)	Rx (MHz)	Purpose
1.	462.250	462.250	IC-PMCO-BAMCO/BAECO-FF
2.	462.450	462.450	BAMCO-BAECO
3.	462.475	462.475	BAECO-BA Teams
4.	462.150	458.650	Re-Broadcast Channel
5.	460.475	460.475	IC – LA Services
6.	466.575	466.575	PMCO-Pump Teams
7.	466.500	466.500	BAECO-BA Teams
8.	466.525	466.525	BAECO-BA Teams
9.	452.525	452.525	Other Incidents in the area
10.	466.550	466.550	AS-GS-LA

23.2 An analysis of the site/premises shall be undertaken to confirm that there is adequate coverage throughout.

23.3 Any booster, amplify, leaky cable type systems and radio signal equipment shall be powered with protected fire supply to ensure the viability and integrity of any such system and components of same before, during, and after an emergency fire event.

23.4 Consultation with the fire authority shall be required.

Reason

To ensure compliance with the regulations.

In order to comply with Regulation B5 of Part B (Fire Safety) of the Second Schedule of the Building Regulations 1997 to 2024.

In order to comply with Regulation B12 of Part B (Fire Safety) of the Second Schedule of the Building Regulations 1997 to 2024.

To ensure an adequate provision of facilities for the fire authority, in the event of fire, for firefighting within and around the development for the purpose of protection of life and property from fire, whether such outbreak has occurred or not.

2.0 Information Considered

The information considered in this appeal comprised of the following:

- Reports and drawings submitted to the BCA for Fire Safety Certificate FSC/25/063.
- Appeal submission by ORS, on behalf of Tirlán Limited, Ballyconra, Ballyragget, County Kilkenny, R95 YX58 which was received by An Coimisiún Pleanála on 25/09/25.
- Kilkenny County Council Fire and Rescue Service's Report on the Fire Safety Certificate Appeal which was received by An Coimisiún Pleanála on 24/10/2025.
- An Coimisiún Pleanála Case File 323785-25.

3.0 Relevant History/Cases

3.1. I am unaware of any relevant building control history relating to this appeal site. No documentation was included in the An Coimisiún Pleanála file relating to any previous FSC, Revised FSC, Regularisation FSC and/or any dispensation or relaxation of the Building Regulations.

3.2. There are no An Coimisiún Pleanála decisions that may be of assistance to the Board in determining the case that I am aware of.

4.0 Appellant's Case

Condition 9 – Appellant's Case – Refrigerant Gas Installations

The Appellant refers to Article 15 of the Building Control Regulations 1997 – 2024, Consideration of Application, which states:

Where an application is made to a building control authority for a fire safety certificate, the authority, in considering such application, shall

- a) be restricted to considering only the extent to which the design of the building or works complies with the requirements of Part B of the Second Schedule to the Building Regulations, and*
- b) have due regard to any dispensation or relaxation in respect of, or which is relevant to, the works or building to which the application relates.*

The Appellant notes the following:

- The extent of the material alterations is limited to the provision of an office area with meeting room, canteen, locker room and other associated facilities.
- The Building Regulations only require that the material alteration of the existing building maintains the existing level of compliance within the remainder of the building. Where an existing building is already in contravention of the regulations, the undertaking of material alterations does not impose an obligation to rectify the pre-existing non-compliance. The requirement is that no new or greater contravention is introduced.
- Building Regulations do not retrospectively apply to existing buildings where such buildings are being altered or extended.
- No refrigerant gas installation forms part of the material alterations for the Fire Safety Certificate Application.
- During the processing of the Fire Safety Certificate Application, queries raised by Kilkenny County Council Fire and Rescue Service, which were beyond the

scope of the application, were comprehensively addressed and deemed acceptable.

- The Appellant has engaged with Kilkenny County Council Fire and Rescue Service throughout the Fire Safety Certificate Application process by providing substantive responses, in a timely manner, to all queries raised.

Condition 10 – Appellant’s Case - Forklift Charging Room Suppression System

The Appellant refers to Article 15 of the Building Control Regulations 1997 – 2024, Consideration of Application, which states:

Where an application is made to a building control authority for a fire safety certificate, the authority, in considering such application, shall

- a) be restricted to considering only the extent to which the design of the building or works complies with the requirements of Part B of the Second Schedule to the Building Regulations, and*
- b) have due regard to any dispensation or relaxation in respect of, or which is relevant to, the works or building to which the application relates.*

The Appellant notes the following:

- The extent of the material alterations is limited to the provision of an office area with meeting room, canteen, locker room and other associated facilities.
- The Building Regulations only require that the material alteration of the existing building maintains the existing level of compliance within the remainder of the building. Where an existing building is already in contravention of the regulations, the undertaking of material alterations does not impose an obligation to rectify the pre-existing non-compliance. The requirement is that no new or greater contravention is introduced.
- Building Regulations do not retrospectively apply to existing buildings where such buildings are being altered or extended.
- The forklift charging area is outside the scope of the proposed works.

- The requirement for both a fire-rated enclosure and a suppression system to the forklift charging area exceeds the requirements of the Building Regulations. The following is noted:
 - Open commercial kitchens are permitted by Fire Authorities where a suppression system is used as a compensatory feature for providing a fire-rated enclosure to the kitchen.
 - Conditions for the provision of sprinkler systems in basement car parks, in buildings of less than 30m in height, have regularly been overturned in An Coimisiún Pleanála cases in the past.
 - Situations where both a fire-rated enclosure and a suppression system could be required would be in a Purpose Group 2(a) Hospital scenario. However, in this case we are dealing with Purpose Group 7(a) – Normal Risk Storage.
- The Appellant has no objection to the enclosure to the forklift charging area in sixty-minute compartmentation construction as outlined in Condition 20 of the granted Fire Safety Certificate FSC/25/063.
- The protection of property is outside the scope of the Building Regulations Part B (Fire Safety) 1997 to 2024. i.e., it is a matter between the appellant and their insurers.
- The Appellant has engaged with Kilkenny County Council Fire and Rescue Service throughout the Fire Safety Certificate Application process by providing substantive responses, in a timely manner, to all queries raised.
- During the processing of the Fire Safety Certificate Application, queries raised by Kilkenny County Council Fire and Rescue Service, which were beyond the scope of the application, were comprehensively addressed and deemed acceptable.

Condition 23 – Appellant’s Case - Radio Communications

The Appellant notes the following:

- Section 5.0.1 of TGD-B 2006 (reprint 2020) states that some or all of the following facilities may be necessary
 - Vehicle access to the building for fire appliances.
 - Access to and within the building for fire-fighting personnel.
 - Fire mains around and within buildings, including the provision of hydrants.
 - Provisions for venting of heat and smoke from basement areas and other spaces.
 - Other facilities such as foam inlets to basement boiler-houses and fuel storage and electrical isolation switches.

- The building is an existing building where the provisions of Section 5.0.3 of TGD-B 2006 (reprint 2020) are applicable:

In the case of material alteration of an existing building, the requirements of B5 of the Second Schedule of the Building Regulations may be met:

- a) *If the access and facilities for the fire service are not altered in such a way as to reduce the extent or performance of those that existed before the material alteration; and*
 - b) *If the building is not extended or altered by the addition of floor area at any level or the subject of a material change of use.*
- The following is noted with regard to the proposed works:
 - The works involve material alterations to the existing building.
 - There is no additional floor area or material change of use.
 - Existing access and facilities to the building are being improved as a result of this application.

On this basis the fundamental requirements of Regulation B5 have been complied with.

- Section 5 of TGD-B 2006 (reprint 2020) *Access and Facilities for the Fire Service* does not require any of the following:
 - Assessment of radio communications coverage.

- The provision of protected fire-rated supplies to elements of a radio communications system.
 - The protection and assurance of a radio communications system before, during or after a fire event.
- The only scenario where radio communications systems are specified in TGD-B 2006 (reprint 2020) is for fire-fighting shafts. There are no fire-fighting shafts required for buildings of this type.
- Based on the foregoing the requirements of Condition 23 are an overreach of statutory authority.
- During the processing of the Fire Safety Certificate Application, queries raised by Kilkenny County Council Fire and Rescue Service, which were beyond the scope of the application, were comprehensively addressed and deemed acceptable.
- The Appellant has engaged with Kilkenny County Council Fire and Rescue Service throughout the Fire Safety Certificate Application process by providing substantive responses, in a timely manner, to all queries raised.

5.0 Building Control Authority's Case

General

The Fire Authority recognises and understands the limitations of Article 15 of the Building Control Regulations 1997 – 2024, Consideration of Application, which states:

Where an application is made to a building control authority for a fire safety certificate, the authority, in considering such application, shall

- a) be restricted to considering only the extent to which the design of the building or works complies with the requirements of Part B of the Second Schedule to the Building Regulations, and*
- b) have due regard to any dispensation or relaxation in respect of, or which is relevant to, the works or building to which the application relates.*

The Fire Authority notes the following:

- The Fire Authority has only assessed the relevant material alterations.
- Excessive travel distances in areas outside the scope of the application have not been assessed.
- The escape from the new office area is through the existing storage unit (normal risk).
- The Fire Authority recognises the applicant's reference to an assessment of the refrigeration plant as the escape from the new office area is via this high-fire risk area.
- The Fire Authority recognises the applicant's submission of an ATEX Hazardous Area Classification Risk Assessment report by GEA Refrigeration Ireland on the new Ammonia Refrigeration Plant being installed, as the escape from the new office area is via this high-fire risk area.
- The Ammonia refrigerant gases declared within the application are considered by the Fire Authority to be flammable, hazardous, acutely toxic and corrosive to the respiratory tract.
- The Fire Authority outlines the performance requirements of Regulation B1 as indicated in TGD-B 2006 (reprint 2020). The requirements of B1 may be met:

- a) *If there are routes of sufficient number and size, which are suitably located, to enable persons to escape to a place of safety in the event of fire;*
- b) *If the routes are sufficiently protected from the effects of fire in terms of enclosure, where necessary, and in the use of materials on the routes; and*
- c) *If sufficient lighting, means of smoke control and an alarm system to warn the occupants of the existence of fire are provided to enable them to use the routes safely;*

all to an extent necessary that is dependent on the use of the building, its size and height.

- The Fire Authority outlines the performance requirements of Regulation B5 as indicated in TGD-B 2006 (reprint 2020). The requirements of B5 may be met:
 - a) *If there is sufficient means of external access to enable fire appliances to be brought near to the building for effective use;*
 - b) *If there is sufficient means of access into, and within, the building for fire-fighting personnel to effect rescue and fight fire; and*
 - c) *If the building is provided with sufficient fire mains and other facilities to assist firefighters in their tasks;*

all to an extent dependent on the use and size of the building.

Condition 9 – BCA Case – Refrigerant Gas Installations

- The Fire Authority does not consider the requirements of Condition 9 as being excessive.
- The requirements of Condition 9 do not introduce anything in addition to what has already been proposed by the applicant. Everything in the condition had already been included in the Fire Safety Certificate Application.
- The means of escape from the new office area is through the existing storage unit where the plant room is located.

Condition 10 – BCA Case - Forklift Charging Room Suppression System

- The Fire Authority does not consider the requirements of Condition 10 as being excessive.

- The Fire Authority considers that the requirement for a suppression system in addition to the fire-rated enclosure to the forklift charging room is both reasonable and appropriate.
- EV vehicles are most at risk while charging.
- The requirement for a suppression system in a forklift charging room, which is adjacent to the flammable and toxic gas plant room, is a rational fire safety measure to ensure that there is no fire spread beyond the enclosure.
- The means of escape from the new office area is through the existing storage unit where the forklift charging room is located.

Condition 23 – BCA Case – Radio Communications

- The Fire Authority does not consider the requirements of Condition 23 as being excessive or an overreach by the statutory authority.
- The Fire Authority is using its experience and professional judgement to obtain clarity with regard to the possibility of radio communications working in a metal-rich, high-rack storage area.
- There may be no requirement for any upgrading work to the building once an analysis has been carried out.

6.0 Assessment

6.1. Having regard to the nature of the appeal which is against the Conditions 9, 10 and 23 of FSC/25/063, 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. Condition 9 Assessment - Refrigerant Gas Installations

Article 15 of the Building Control Regulations 1997 – 2024, Consideration of Application, states:

Where an application is made to a building control authority for a fire safety certificate, the authority, in considering such application, shall

- a. be restricted to considering only the extent to which the design of the building or works complies with the requirements of Part B of the Second Schedule to the Building Regulations, and*
- b. have due regard to any dispensation or relaxation in respect of, or which is relevant to, the works or building to which the application relates.*

The extent of the material alterations is limited to the provision of a new office area with meeting room, canteen, locker room and other associated facilities. If the new office area being introduced to the building had exits to the outside of the building independent of the existing structure, then the application of Article 15 above would be very clear and simple. In this case, the exits from the office area are complicated by the fact that you have to exit through the existing structure. The existing structure in turn houses a refrigerant gas installation. One of the possible exit routes from the new office area passes by this refrigerant gas installation. The question then simply becomes does the introduction of the new office area warrant the upgrading of the refrigerant gas installation?

Article 11 of the Building Regulations 1997 to 2024 requires that these regulations apply to all works in connection with the material alteration, *but only to the extent of prohibiting any works which would cause a new or greater contravention*. The Building Regulations only require that the material alteration of the existing building maintains the existing level of compliance within the remainder of the building.

The refrigerant gas installation itself is not part of the Fire Safety Certificate Application. The question is, does it affect the escape route from the new offices? Persons standing in the area where the new offices will be located, currently have the option of escaping past the refrigerant gas installation. This has not changed. It can be argued that the travel distance from the new office area will be slightly longer than it was previously, and that occupants of the new office area will not be as immediately aware of a fire in the despatch area as they may have been before the new offices were installed, however, this is not a contravention of the means of escape regulations. It should also be noted that the height of the storage area through which the occupants of the new office area will escape is 5.2m at its lowest level and occupants are awake and familiar with building. This will increase the available escape time for the occupants of the new office area.

The Fire Authority have concerns that the refrigerant gas installation plant room is on the escape route from the new office area. However, as the plant room is compartmented from the escape route it should not affect the escape route in the event of a fire in the refrigerant gas installation plant room. There is also an alternative escape route available to the new office area which is remote from the refrigerant gas installation plant room.

It must also be noted that escaping past a compartmented fire rated enclosure is not in itself a contravention of the Building Regulations.

TGD-B 2006 (reprint 2020) states that the performance requirements of Regulation B1 may be met where the following points are satisfied. The points are assessed in italics below:

- a) If there are routes of sufficient number and size, which are suitably located, to enable persons to escape to a place of safety in the event of fire – *This is complied with.*
- b) If the routes are sufficiently protected from the effects of fire in terms of enclosure, where necessary, and in the use of materials on the routes – *The refrigerant gas installation is compartmented from the escape route.*
- c) If sufficient lighting, means of smoke control and an alarm system to warn the occupants of the existence of fire are provided to enable them to use the routes safely – *This is complied with from a B1 perspective.*

Thus, the requirement to upgrade the refrigerant gas installation is not a requirement from a Regulation B1 means of escape perspective.

The Fire Authority in their reasoning for Condition 9 also reference fire-fighting facilities. The performance requirements of Regulation B5 as indicated in TGD-B 2006 (reprint 2020) are indicated below, with an assessment in italics, of how this Fire Safety Certificate affects them from the gas refrigerant plant room perspective. The requirements of B5 may be met:

- a) If there is sufficient means of external access to enable fire appliances to be brought near to the building for effective use – *External access meets the requirements of Table 5.1 of TGD-B 2006 (reprint 2020).*
- b) If there is sufficient means of access into, and within, the building for fire-fighting personnel to effect rescue and fight fire – *Direct access to the gas refrigerant installation plant room is available from the western elevation.*
- c) If the building is provided with sufficient fire mains and other facilities to assist firefighters in their tasks - *Three hydrants are located around the building with a 1,000,000 litre static storage tank on site. In addition, the applicant has committed to a separate project for upgrading the fire-fighting water available to the specific building on site.*
- d) Provisions for venting of heat and smoke from basement areas and other spaces – *The existing contravention is not being affected by the introduction of the office space to the despatch area.*

- e) Other facilities such as foam inlets to basement boiler-houses and fuel storage and electrical isolation switches – *There is an existing fire-fighting isolation switch and there are no basement areas or fuel storage areas.*

Thus, the introduction of the new office area does not cause a new or greater contravention of Regulation B5.

The Fire Authority's concerns with regard to the Ammonia refrigerant gases being flammable, hazardous, acutely toxic and corrosive to the respiratory tract are clearly not without foundation. In their submission to the Fire Authority, dated August 12th, 2025 (received August 15th, 2025) the applicant stated, *'that although the plant area is outside the scope of the current application it is noted that the installation is being upgraded to current standards.'* This has been recognised by the Fire Authority in their submission to An Coimisiún Pleanála where they state that Condition 9 *'does not introduce anything new that the applicant and their nominated fire consultant have not already introduced within the context of their application and submission to the fire authority. Condition 9 as applied to this file by the fire authority is in this regard merely outlining back to the applicant and nominated fire consultant what they have already referenced and included within the parent fire safety certificate application and subsequent further information submission.'*

Thus, the assessment of the inclusion of Condition 9 can be considered an irrelevant point. However, the appeal to Condition 9 still needs to be assessed.

Ultimately, based on the foregoing, the upgrading of the refrigerant gas installation is considered to be outside the scope of the material alterations proposed and does not constitute a greater contravention of the Building Regulations.

Based on the above, I recommend that An Coimisiún Pleanála grant the appeal in relation to Condition 9 and direct the Building Control Authority to remove Condition 9 from the Fire Safety Certificate.

6.3. Condition 10 Assessment - Forklift Charging Room Suppression System

The Fire Authority have concerns that the forklift charging room is on the escape route from the new office area. However, as the forklift charging room is compartmented from the escape route it should not affect the escape route in the event of a fire in the forklift charging room. There is also an alternative escape route available to the new office area which is remote from the forklift charging room. It also should be noted that the height of the storage area through which the occupants of the new office area will escape is 5.2m at its lowest level and the occupants will be awake and familiar with the building. This will increase the available escape time for the occupants of the new office area.

Overall, the performance requirements of Regulation B1 in TGD-B 2006 (reprint 2020) may be met where the following points are satisfied. The points are assessed in italics below:

- a) If there are routes of sufficient number and size, which are suitably located, to enable persons to escape to a place of safety in the event of fire – *This is complied with.*
- b) If the routes are sufficiently protected from the effects of fire in terms of enclosure, where necessary, and in the use of materials on the routes – *The forklift charging room is compartmented from the escape route.*
- c) If sufficient lighting, means of smoke control and an alarm system to warn the occupants of the existence of fire are provided to enable them to use the routes safely – *This is complied with from a B1 perspective.*

Thus, the performance requirements of Regulation B1 are met.

Condition 20 of the granted Fire Safety Certificate FSC/25/063 requires that the forklift charging room be enclosed in sixty-minutes fire-resisting construction constructed in accordance with Section 3.2.5.1 to 3.2.5.11 of TGD-B 2006 (reprint 2020). This effectively means that the forklift charging room is enclosed in sixty minutes, fire-resisting compartmentation construction. The Appellant has not objected to this enclosure and it reflects what had been submitted in Fire Safety Certificate FSC/25/063.

TGD-B 2006 (reprint 2020) Section 1.0.9 has the following definition for *Places of Special Fire Risk*:

Transformer and switchgear rooms, large commercial kitchens, boiler rooms, fuel or other highly flammable substance storage spaces, rooms housing a fixed internal combustion engine and areas where flammable vapours are likely to be present in the atmosphere.

Charging areas for EV vehicles are not specifically included. Nor are they included in TGD-B 2024 edition. The only place that fire-rated enclosures for charging EV equipment is specifically mentioned in TGD-B: 2024 is for charging scooters or mobility apparatus in Residential Care homes. In the Residential Care homes scenario, they are required to be enclosed in thirty-minutes fire-resisting construction that isn't specified as compartmentation construction. Thus, there is no specific requirement to enclose the forklift charging room in fire-resisting construction, much less in sixty-minutes, fire-resisting compartmentation construction. However, the Fire Authority's concerns are not without foundation and it is prudent to enclose the forklift charging room as has been agreed with the applicant.

The Fire Authority's concerns with regard to the forklift charging room being adjacent to the plant room are also addressed by the fact that the room is enclosed in sixty-minutes, compartmentation construction consisting of masonry block walls and a concrete roof. Maintenance/testing of the fire-rated shutter door will also be required in accordance with Section 24 of the granted Fire Safety Certificate FSC/25/063.

The requirement to supplement the sixty-minutes, fire-rated compartment with a suppression system is however considered unnecessary. As it stands the enclosure exceeds the requirements of TGD-B 2006 (reprint 2020). Thus, the requirement for a suppression system in addition to the compartmentation to the forklift charging room, as an added belt and braces approach, is unwarranted.

Thus, the performance requirements of Regulation B3 are met.

The Fire Authority in their reasoning for Condition 10 also reference Regulation B5 *Access and Facilities for the Fire Service*. The performance requirements of Regulation B5 as indicated in TGD-B 2006 (reprint 2020) are indicated below, with an assessment in italics, of how this Fire Safety Certificate affects them from the forklift charging room perspective. The requirements of B5 may be met:

- a) If there is sufficient means of external access to enable fire appliances to be brought near to the building for effective use – *External access meets the requirements of Table 5.1 of TGD-B 2006 (reprint 2020).*
- b) If there is sufficient means of access into, and within, the building for fire-fighting personnel to effect rescue and fight fire – *Direct access to the forklift charging room is available from the western elevation.*
- c) If the building is provided with sufficient fire mains and other facilities to assist firefighters in their tasks - *Three hydrants are located around the building with a 1,000,000 litre static storage tank on site. In addition, the applicant has committed to a separate project for upgrading the fire-fighting water available to the specific building on site.*
- d) Provisions for venting of heat and smoke from basement areas and other spaces – *The existing contravention is not being affected by the introduction of the office space to the despatch area.*
- e) Other facilities such as foam inlets to basement boiler-houses and fuel storage and electrical isolation switches – *There is an existing fire-fighting isolation switch and there are no basement areas or fuel storage areas.*

Thus, the performance requirements of Regulation B5 are met.

Overall, it is therefore reasonable to take the view that no new or greater contravention has been introduced by the material alterations involved with the introduction of the new offices.

Based on the above, I recommend that An Coimisiún Pleanála grant the appeal in relation to Condition 10 and direct the Building Control Authority to remove Condition 10 from the Fire Safety Certificate.

6.4. Condition 23 Assessment - Radio Communications

Section 5.0.3 of TGD-B 2006 (reprint 2020) states that *in the case of a material alteration of an existing building, the requirements of B5 of the Second Schedule to the Building Regulations may be met:*

- i. If the access and facilities for the fire service are not altered in such a way as to reduce the extent or performance of those that existed before the material alteration; and*
- ii. If the building is not extended or altered by the addition of floor area at any level or the subject of a material change of use.*

The above two conditions are clearly met in Fire Safety Certificate Application FSC/25/063, thus the basic requirements of Regulation B5 are broadly complied with.

In addition, the fundamental requirements for Regulation B5 as outlined in Section 5.0.1 of TGD-B 2006 (reprint 2020), listed below, are broadly complied with for the existing building. These requirements are addressed below in italics:

- a) Vehicle access to the building for fire appliances – *Complies with Table 5.1 of TGD-B 2006 (reprint 2020).*
- b) Access to and within the building for fire-fighting personnel – *Complies with Section 5.3 of TGD-B 2006 (reprint 2020).*
- c) Fire mains around and within buildings, including the provision of hydrants. – *Three hydrants are located around the building with a 1,000,000 litre static storage tank on site. In addition, the applicant has committed to a separate project for upgrading the fire-fighting water available to the specific building on site.*

- d) Provisions for venting of heat and smoke from basement areas and other spaces. – *The existing contravention is not being affected by the introduction of the new office space to the despatch area.*
- e) Other facilities such as foam inlets to basement boiler-houses and fuel storage and electrical isolation switches – *There is an existing fire-fighting isolation switch and there are no basement areas or fuel storage areas.*

The Fire Authority do have legitimate concerns with regard to the functioning of radio communications systems in this environment, coupled with the fact that the existing building does not meet the ventilation requirements of Section 5.4.3.3 of TGD-B 2006 (reprint 2020). However, this Fire Safety Certificate, for the introduction of the new office space to the despatch area, is not in itself enough to warrant an analysis of the radio communications issues as required in Condition 23. There are other avenues available to the Fire Authority to ensure that any concerns they have in this regard can be addressed. Section 5 of TGD-B 2006 (reprint 2020) does not require an assessment of radio communications coverage.

Based on the above, I recommend that An Coimisiún Pleanála grant the appeal in relation to Condition 23 and direct the Building Control Authority to remove Condition 23 from the Fire Safety Certificate.

7.0 Recommendations

7.1. Condition 9 Recommendation

I recommend that An Coimisiún Pleanála grant the appeal in relation to Condition 9 and direct the Building Control Authority to remove Condition 9 from the Fire Safety Certificate.

7.2. Condition 10 Recommendation

I recommend that An Coimisiún Pleanála grant the appeal in relation to Condition 10 and direct the Building Control Authority to remove Condition 10 from the Fire Safety Certificate.

7.3. Condition 23 Recommendation

I recommend that An Coimisiún Pleanála grant the appeal in relation to Condition 23 and direct the Building Control Authority to remove Condition 23 from the Fire Safety Certificate.

8.0 Reasons and Considerations

Having regard to the submissions made in connection with the Fire Safety Certificate Application FSC/25/063 and the appeal, it is considered that in relation to:

8.1. Condition 9 - The Appellant has demonstrated compliance with the Building Regulations.

8.2. Condition 10 - The Appellant has demonstrated compliance with the Building Regulations.

8.3. Condition 23 - The Appellant has demonstrated compliance with the Building Regulations.

9.0 Conditions

9.1. Condition 9 - Direct the Building Control Authority to remove Condition 9.

9.2. Condition 10 - Direct the Building Control Authority to remove Condition 10.

9.3. Condition 23 - Direct the Building Control Authority to remove Condition 23.

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.

Joe Ryan

9th February, 2026.