



An  
Coimisiún  
Pleanála

## FSC Report

**ACP-323839 - 25**

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<b>Appeal Condition(s)</b>	Appeal to Conditions 3 and 12
<b>Development Description</b>	Construction of an eight-storey apartment building (Block A) Woodbrook Avenue, Woodbrook, Co Dublin
<b>Building Control Authority Fire Safety</b>	Dun Laoghaire-Rathdown County Council
<b>Certificate application number:</b>	<b>FSC2406803DR/7DN</b>
<b>Appellant</b>	Aeval Limited
<b>Appellant's Agent</b>	Jensen Hughes
<b>Building Control Authority:</b>	Dun Laoghaire-Rathdown County Council
<b>Inspector</b>	Eamon O Boyle

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## 1.0 Introduction

- 1.1. The proposed development comprises two seven storey apartment buildings ( Blocks B&C ) and one eight storey apartment building (Block A).
- 1.2. This appeal relates to two conditions attached to the granted fire safety certificate namely conditions 3 and 12 in Block A.
- 1.3. This appeal relates to a 7-day notice fire safety certificate application; the appellant is appealing conditions 3 and 12 that were attached to the granted fire safety certificate
- 1.4. The relevant conditions 3 and 12 are reproduced below

### **Condition 3:**

*The passenger lift in Core 2 shall either: i) Be accessed from within the protected stair; OR, ii) If accessed via the vented corridors serving the apartments, be provided with a 60-minute rated fire and smoke curtain in front of the lift landing doors at each floor level. The lift curtain located on the fire floor shall descend automatically in the event of smoke detector activation in that floor's vented corridor. The lift shall return to ground floor on fire alarm activation except in the event of fire alarm activation at ground floor whereby the lift shall return to first floor. For clarity, only the lift curtain located on the fire floor shall descend on smoke detector activation.*

**Reason:** *To ensure compliance with Part B of the Second Schedule to the Building Regulations, 1997 to 2024*

### **Condition 12:**

*A sprinkler protection system shall be provided in the car park which shall be designed, installed and commissioned in accordance with IS EN 12845: 2015 + A1: 2019.*

**Reason:** *To ensure compliance with Part B of the Second Schedule to the Building Regulations, 1997 to 2024*

## 2.0 Information Considered

The information considered in this appeal comprised the following:

- Drawings submitted with the application on 23<sup>rd</sup> September 24
- Further information and Drawings received by the BCA on 18 November 24, 27 November 24 and 4 July 24
- Copy of BCA decision 28 October 25
- Appeal received by An Coimisiun Pleanala on behalf of the appellant 4 November 2025
- Submissions received from the BCA on the appeal on 4 December 2025.
- Further submissions received by the appellant on 12 January 25

## 3.0 Relevant History/Cases

3.1. I am not aware any previous Building Regulations or Building Control Regulations issues associated with the site under consideration in this appeal.

This inspector has previously assessed an appeal (ABP 315378 – 22) that had a condition similar to Condition 12 of this application.

## 4.0 Appellant's Case

The appellant is appealing the attachment of conditions 3 and 12 to the grant of the fire safety certificate largely on the basis that they are not necessary to demonstrate compliance with Part B of the Building Regulations and are overly onerous. The following points are set out in support of the appeal:

- **Appeal Against Condition 3: Fire and Smoke Curtains**

Condition 3 requires **60-minute fire and smoke curtains** to be installed in front of lift landing doors on every floor accessed from stair 2. The appellant argues this should be removed for the following reasons:

- **Compliance with Standards:** They assert the current design, which includes lift shafts enclosed in fire-resisting construction and lift doors with an FD60

rating, already meets or exceeds Technical Guidance Document B (TGD-B) 2006 + A1: 2020 and British Standard BS 5588.

- **Existing Safety Measures:** The building already utilizes ventilated common corridors and smoke shafts designed to automatically activate upon smoke detection, ensuring escape routes remain clear.
- **Precedent:** Similar residential blocks on the same site under the same ownership were granted Fire Safety Certificates without this requirement.

- **Appeal Against Condition 12: Car Park Sprinkler System**

Condition 12 mandates the installation of a sprinkler protection system in the basement car park. The appellant disputes this based on:

- **"Normal" Car Park Classification:** They argue the car park qualifies as "normal" under TGD-B, which explicitly states that such car parks (well-ventilated and with low fire loads) are not typically expected to be fitted with sprinklers.
- **Enhanced Ventilation:** The car park design achieves more than 5% smoke ventilation, which is double the minimum requirement of 2.5%.
- **Separation and Safety:** The car park is fully fire-separated (90-minute rated) from residential areas, has no direct communication with residential cores, and includes its own fire alarm and detection systems.
- **Regulatory Consistency:** They note that current guidance in Ireland and the UK does not recommend sprinklers for this type of well-ventilated, non-commercial car park.

- **Conclusion**

The appellant concludes that the existing fire safety strategy—which already includes a residential sprinkler system for the apartments—provides a significantly higher standard of safety than required by basic code. They contend that the additional requirements of Conditions 3 and 12 offer no major safety advantages and should be removed.

## 5.0 Building Control Authority Case

The Building Control Authority having reviewed the Appellant's submission commented as follows in respect of Condition 3 and 12

### Condition 3: Passenger Lift Fire/Smoke Protection

- **Enclosure Requirements:** The BCA references **Section 1.4.9.2 of TGD-B**, which recommends that lift wells be either contained within the enclosures of a protected stairway or be enclosed throughout their height with fire-resisting construction to ensure they do not prejudice the means of escape.
- **Superseding Guidance:** While the applicant's appeal relied on **Figures 12(b) & (c) of BS 5588-1: 2004**, the BCA notes Section 5.3.2 of TGD-B supersedes Figure 12 as it recommends in respect of a firefighting lift in an apartment building that *"a firefighting lobby should be provided"* whereby *"there should not be direct access to a flat or ancillary accommodation from a firefighting lobby"* and a *"firefighting lift should be approached through a firefighting lobby"* – it is noted the fire-fighting lift in Core 1 is designed as such to comply with TGD-B and therefore, differs from Core 2.
- **Mandatory Sprinkler Provisions:** The report clarifies that the provision of a sprinkler system in this building is not an "additional measure" or "enhancement" but a mandatory requirement under **TGD-B Sections 1.6.3(a) and 1.7.1**. This is because the apartments are designed as open-plan units with common corridor travel distances exceeding 7.5m, which necessitates sprinklers to meet the minimum design provisions of TGD-B.
- **Smoke Control:** In accordance with **Section 1.7.2 of TGD-B**, the design must ensure that only the Automatic Opening Vent (AOV) in the fire-affected corridor opens, to prevent smoke from the lift shaft or smoke shaft from entering other corridors.

### Condition 12: Car Park Sprinkler System

- **Building Height Thresholds:** The report highlights that the building's topmost floor height is 21.750m. Under the new TGD-B 2024 (Paragraphs

8.2.1 and 8.4.1), a sprinkler system is now recommended for any building containing flats where the topmost floor height exceeds 15m.

- **Outdated Fire Load Assumptions:** While **Section 3.5.2 of TGD-B 2006 + A1: 2020** suggests that sprinklers are not normally expected in car parks with low fire loads and good ventilation, the BCA argues this guidance is based on outdated research from 1968. The report contends that modern vehicles, including Electric Vehicles (EVs) and those with high plastic content, represent a fire load not adequately accounted for in that specific section of the code.
- **Firefighter Safety (B5):** To meet the performance requirements of **Requirement B5 (Access and Facilities for the Fire Service)** as set out in TGD-B, the Fire Officer asserts that sprinklers are essential to provide a safe environment for fire crews to tackle fires in enclosed or basement car parks.
- **Smoke and Heat Control:** The report also references BS 7346-7:2013, the code of practice for functional recommendations for smoke and heat control systems in covered car parks, noting that current minimum ventilation requirements are intended to protect firefighters but may be insufficient for multiple vehicle fires

## 6.0 **Assessment**

### 6.1. **De Novo assessment/appeal v conditions**

Having regard to the nature of the appeal which is solely against a condition 3 and 12 of the granted fire safety certificate, 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. **Assessment of Condition 3:** The appellant argues that condition 3 is unnecessary as the building's design, where passenger lifts open directly into ventilated common

corridors, is fully compliant with established standards like TGD-B: 2006 + A1: 2020 and BS 5588: Part 1. They also argue that the building is protected by a sprinkler system provided in accordance with BS 9251:2021 which is a safety enhancement as it reduces fire growth, heat and smoke rendering additional smoke curtains redundant. The appellant further argues the provision of smoke curtains in similar buildings was not required by the BCA and concerns about smoke spreading through lift shafts, are unfounded as the natural ventilation system in the corridors will preferentially draw smoke away from the shaft.

The BCA argues that the requirement for 60-minute fire-rated smoke curtains at lift landings is necessary for life safety in an apartment building with a "sleeping risk".

- **Smoke Spread Risk:** Without these curtains, the BCA maintains there is a significant risk of smoke spreading between floors via the lift shaft, particularly since the corridors lack a dedicated smoke control system.
- **Extended Travel Distances:** The report notes that travel distances in the vented corridors of Core 2 exceed the standard 7.5m (reaching up to 9m), necessitating compensatory safety measures.
- **Rejection of Precedent:** The BCA disputes the appellant's claim of a precedent set by a referenced building's design is fundamentally different and not comparable to building which is the subject of this appeal.

6.2.2. **Assessment of Condition 12:** The condition requires the provision of sprinklers with the car park. The appellant argues that the car park is "normal" in risk and configuration: it is a single-storey, ground-level, "open-sided" facility approximately 899m<sup>2</sup> in size. The appellant argues that the car park features permanent natural ventilation (5.5% of the floor area), which exceeds the 5% minimum requirement. The appellant argues that current guidance (including the current TGD-B: 2024), car parks of this scale and type are not normally expected to be fitted with sprinklers. Additionally, the appellant accepts the BCA's concerns regarding the increased fire load of modern vehicles and Electric Vehicles (EVs). However, they argue that the car park's open design and excellent firefighting access (including dry risers and nearby hydrants) sufficiently mitigate these risks without needing an expensive suppression system. Finally, the appellant states that the car park is provided with

three final exits directly to the open air, ensuring multiple means of egress and flexible access for firefighting personnel

The BCA states that the hazards associated with modern vehicles and electric vehicles is not adequately addressed within existing guidance. In particular the BCA states that that the fire load of modern cars is significantly higher than when current regulations were drafted due to the increased use of plastics and larger vehicle sizes. The BCA highlights unique risks posed by electric vehicles, including thermal runaway, the potential for battery packs to explode, high heat release rates ( $\geq 3\text{MW}$ ), and the release of large volumes of toxic gases. The BCA also emphasizes Firefighting an electric vehicle fire requires "extraordinary" water flow rates—up to 30,000 litres compared to just 1,600 litres for a conventional internal combustion engine vehicle—and batteries can reignite hours or even days later. Finally, the BCA identifies historical car parks fire which caused extensive structural damage.

## 7.0 Recommendation

7.1. I recommend that the BCA should retain condition 3 and remove condition 12

## 8.0 Reasons and Considerations

8.1. The reasoning behind my recommendations is as set out below.

### 8.2. Condition 3:

Having regard to the presented design of the residential development and the 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 it has been demonstrated by the BCA in the fire safety application and appeal that the smoke curtains are required at each lift adjacent to stair 2. This is a requirement of to meet the requirements of Paragraph 1.4.9.2 of Technical Guidance Document B – which states *“Lift wells should be either contained within the enclosures of a protected stairway or be enclosed throughout their height with fire-resisting construction if they are sited such as to prejudice the means of escape”*. In the case of the building to which this appeal concerns – the absence of the smoke curtains could prejudice the escape route.

Therefore condition number 3 as originally attached by the Building Control Authority to the fire safety certificate is necessary to meet the guidance set out in TGD: Part B or accordingly to demonstrate compliance with Part B of the Second Schedule to the Building Regulations 1997, as amended. The Board was satisfied that, subject to the attachment of the remaining conditions (excluding condition 12 as removed by the Board) , it has been demonstrated that the Block A , if constructed in accordance with the design presented with the application and appeal, would comply with the requirements of Part B of the second schedule to the Building Regulations 1997, as amended.

### **8.3 Condition 12**

Having regard to the presented design of Block A and the 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 it has been demonstrated by the party appellant in the fire safety application and appeal that the basement car park does not require sprinkler protection to meet the requirements of Part B of Technical Guidance Document B - Fire Safety 2006 (reprinted 2020) [TGD: Part B] and the submitted technical compliance report otherwise details proposals for sprinkler coverage in accordance with BS 9251:2021 proposed to all residential areas and common corridors (but not the basement car park). Therefore, condition number 12 as originally attached by the Building Control Authority to the fire safety certificate is not necessary to meet the guidance set out in TGD: Part B or accordingly to demonstrate compliance with Part B of the Second Schedule to the Building Regulations 1997, as amended. The Board was satisfied that, subject to the attachment of the remaining conditions (excluding condition 12 as removed by the Board), it has been demonstrated that the Block A, if constructed in accordance with the design presented with 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

- 9.1. The BCA should retain Condition 3 and remove Condition 12 from the granted Fire Safety Certificate.

## 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.

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Eamon O Boyle

30 April 2026