



An
Coimisiún
Pleanála

FSC Report

ACP-323850-25

Appeal v Condition	Condition 3
Development Description	The Lords Mayors Development located on Main Street, Swords, Co. Dublin
Building Control Authority Fire Safety Certificate application number:	FSC/1208/25
Appellant	Mr Liam Mounsey
Appellant's Agent	SOCOTEC
Building Control Authority:	Fingal County Council
Inspector	Des Fortune

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1.0 Introduction

- 1.1. The Lord Mayors Development located on Main Street Swords, Co. Dublin consists of the construction of three residential block (B, C & D) and a Commercial Unit 5 all over a common basement.
- 1.2. The application relates to the construction of new buildings over a common new basement.
- 1.3. The granted application (FSC/1208/25) is a Fire Safety Certificate application and the appeal is for Condition 3 attached to this certificate. Condition 3 is as follows:

Condition: No. 3

The car park is to be provided with an automatic sprinkler system throughout in accordance with IS EN 12845: 2015+A1: 2019 Fixed firefighting systems – Automatic sprinkler systems – Design, installation and maintenance.

Reason:

To comply with Part B of the Second Schedule of the Building Regulations 1997 – 2024.

2.0 Information Considered

- 2.1. The information considered in this appeal comprised the following:
 - Fire Safety Certificate Application (application form, compliance report and fire safety drawings) submitted by SOCOTEC, on behalf of Mr Liam Mounsey, dated 27/09/2024.
 - Request for further information by Fingal County Council dated 10/12/2025.
 - Updated Layouts submitted by SOCOTEC, on behalf of Mr Liam Mounsey, dated 10/02/2025.
 - Request for further information by Fingal County Council dated 04/04/2025.
 - Further information submitted by SOCOTEC, on behalf of Mr Liam Mounsey, dated 30/07/2025.
 - Request for further information by Fingal County Council dated 01/09/2025.

- Further information submitted by SOCOTEC, on behalf of Mr Liam Mounsey, dated 02/09/2025.
- Copy of Fingal County Council decision and supporting internal report (if any)
- Appeal received by the Board on behalf of the appellant
- Drawings received by the Board with the appeal on 07/11/2025
- Submissions received from the Fingal County Council on the appeal dated 01/12/2025.

3.0 **Relevant History/Cases**

- 3.1. I am not aware of any relevant Building Control history relating to this appeal site. There was no documentation of any previous Fire Safety Certificate (FSC), Revised FSC or any dispensation/relaxation of the Building Regulations (relating to this site) included in the file being reviewed.
- 3.2. The Board have considered similar appeals (ABP 315096-22, ABP 316063-23, ABP 319294-24, ABP 320329-24) which considers sprinklers in basement car parks including ones which were reported on by this Inspector.

4.0 **Appellant's Case**

- 4.1. The appellant is appealing the attachment of Condition 3 to the grant of the fire safety certificate largely 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 basement car park meets the functional requirements of the Building Regulations, summarised as follows: -
 - L2X fire detection and alarm system
 - Travel distances within prescribed in Table 1.2 of TGD-B
 - Class C-s3. D2 wall and ceilings in accordance with section 2.1 of TGD-B
 - Designed as a separate compartment and provided with permanent ventilation in accordance with section 3.2.5.4 of TGD-B

- Building is fitted with dry mains, vehicle access for a pump appliance with 18m of dry riser inlets, and fire hydrants as needed.
- Section 3.5.2 of TGD-B notes that 'car parks are not normally expected to be fitted with sprinklers'.
- BS 7346: Part sets out a few abnormal situations in which a car park may be considered a higher risk, including stacked cars, no automatic detection, extended travel distances, usually difficult fire brigade access or insufficient ventilation, none of which are applicable to the proposed development.
- Section 5.4.3.1 of TGD-B clearly states that basement car parks are not required to be fitted with sprinklers
- Applicant summaries areas within buildings that require sprinklers to comply with TGD-B 2006 +A1 2020 and basement car parks are not included.
- TGD-B 2024 has been effective from 1st May 2025 and does not require car parks to be provided with sprinklers. It is noted that it does set out significant requirements for sprinklers elsewhere.
- It is understood that Dublin Fire Brigade have concerns regarding the introduction of Electric Vehicles containing lithium-ion batteries to a basement car park situation. There have been two recent revisions to TGD-B, in 2020 and 2024. EV's have been around prior to these updates, yet no guidance has been introduced into the design provisions. In addition, the UK have had numerous regulation updates and have not deemed suppression to warrant inclusion in mandatory design recommendations.
- Dublin Fire Brigade requirement of sprinklers to the basement car park only serves for protection of property in the basement which is not a basis for design in accordance with Part B of the Building Regulations.

5.0 Building Control Authority Case

5.1. In response to the appeal of Condition 3 Dublin Fire Brigade offer the following case:

- The functional requirements of the Building Regulations are set out in the Second Schedule to the Building Regulations (with Part B specifically addressing fire safety). They comprise of qualitative statements about the minimum performance that a building must achieve. Article 7 of the Building Regulations allows for the publication of *'Technical Guidance Documents'* for the purpose of providing guidance to assist individuals in complying with the requirements of the Building Regulations.
- The current edition advising compliance in relation to matters of fire safety is Technical Guidance Document — B: 2024, (TGD-B 2024), which was published during the assessment of this FSC application however as noted above, the basis of compliance for this FSC application was TGD-B 2006 + A1: 2020 and supplemented by BS 5588-1: 1990.
- As per the *"Fire Safety Objectives"* in TGD-B, Part B of the Second Schedule to the Building Regulations is *"primarily concerned with the health, safety and welfare of persons"* in a building — this is noted to pertain to both the building occupants and Fire Brigade personnel.
- As recognized within the document itself, the guidance contained within TGD-B cannot prescribe every aspect of a building design. When using Technical Guidance Documents such as TGD-B, the guidance contained therein must be interpreted and applied appropriately so that the overarching functional requirements of the Building Regulations are satisfied. This methodology of considering whether the guidance has been applied in a manner which satisfies the performance objectives set out in the Second Schedule to the Building Regulations allows for the consideration of new hazards due to changes in technology and materials that may not currently be addressed within the current guidance.

- The requirement of Condition No. 3 to provide a sprinkler protection system conforming with IS EN 12845: 2015 + A1' 2019 to the basement car park is based on two primary reasons:
 - B1 Means of Escape in case of Fire, (i.e. to provide safe escape for the building's occupants); and,
 - B5 Access and Facilities for the Fire Service, (i.e. to assist and protect Fire Brigade personnel in fighting a fire).

- The basis of Condition 3 is the fire risk of modern vehicles, EV cars and challenges faced by the Fire Brigade when encountering car park fires.

- With regard to B5 Access and Facilities for the Fire Service, it is noted the challenges faced by the Fire Brigade when encountering car park fires and the risks associated with modern vehicles, in particular, include electric vehicles with lithium-ion batteries whereby the fire risk associated with same, pose difficulties to the Fire Brigade to extinguish same.

- Whilst Section 3.5.2 of TGD-B refers basement car parks "*are not normally expected to be sprinklers*", this is on the basis of below:
 - (a) *The fire load is well defined and not particularly high;*
 - (b) *Where the car park is well ventilated, there is a low probability of fire spread from one storey to another. Ventilation is the important factor, and as heat and smoke cannot be dissipated so readily from a car park that is not open-sided fewer concessions are made. The guidance in paragraphs 3.5.2.2 to 3.5.2.5 is concerned with three ventilation methods, open-sided (high level of natural ventilation), natural ventilation and mechanical ventilation.*

- However, Dublin Fire Brigade consider the statement that the fire load is not particularly high to be outdated as it is primarily based upon a 1968 UK research document discussed in further detail in Appendix A of their submission. Modern vehicles are generally larger, have a greater amount of plastics, including plastic fuel tanks and an increasing number are electric

vehicles. The electric vehicles are powered by many lithium-ion batteries which have a high energy density and the energy released from the failure of one cell can trigger other cells to fail and cause thermal runaway. Fires in electrical vehicles will typically last longer and result in a much greater release of heat and smoke than fires to conventional vehicles.

- The guidance in TGD-B also notes a low probability of fire spread from one car to another where the car park is well ventilated. Dublin Fire Brigade again consider that this guidance does not adequately account for the fire dynamics that will actually occur when a modern vehicle is ignited in a basement environment. It is shown in Appendix A that the increased fire load associated with such vehicles, including electric vehicles, together with the common use of plastic fuel tanks are likely to result in fire spread between vehicles in an enclosed space. The provision of a sprinkler system will provide a level of early intervention that will reduce the likelihood of fire spread.
- Appendix A and B provide detailed information on the Fire Risks Associated with Modern Vehicles in an Enclosed Car Park and results of full-scale testing on EV vs ICE Hazards in Parking Structures.
- To summarise, Dublin Fire Brigade are of the view that TGD B does not take cognisance of car fire research and first-hand experience of the Brigade. The occurrence of fire in a basement car park poses a significant risk to fire fighters which will be compounded by the presence of electric vehicles.

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, 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**

It is clear from Dublin Fire Brigade's submission that they consider that multi EV car fires will be of a significant challenge, and it is their view that all basement car parks should be provided with sprinkler protection. However, the building control function in assessing a Fire Safety Certificate application is to assess whether the application has demonstrated compliance with Part B of Second Schedule of the Building Regulations.

As per 'The Guidance' (page 3) of Technical Guidance Document B 2006 AMD 2020 'where works are carried out in accordance with the guidance in this document, this will, prima facie, indicate compliance with Part B of the Second Schedule of the Building Regulations.'

In paragraph 4 of section 5.4.3.1 of Technical Guidance Document B 2006 AMD 2020 it states the following: -

'Basement car parks are not normally expected to be fitted with sprinklers.'

Therefore, for prima facie compliance with Part B of the Second Schedule of the Building Regulations a basement car park does not have to be provided with sprinkler protection.

Furthermore, it is noted that the new version of Technical Guidance Document B 2024 has been recently published by the Department of Housing, Local Government and Heritage and it also has no recommendation for sprinkler protection to basement car parks.

7.0 Recommendation

- 7.1. On the basis of my assessment, I recommend that the Board grant the appeal and instruct Fingal County Council to remove Condition 3 from the Fire Safety Certificate for the reasons and considerations set out below.

8.0 Reasons and Considerations

- 8.1. Having regard to the granted Fire Safety Certificate and the appeal, I am of the opinion that the appellant has demonstrated that there is no requirement for the basement car park to be sprinkler protected to demonstrate compliance with Part B of the Second Schedule of the Building Regulations and therefore Condition 3 is not necessary.

9.0 Conditions

- 9.1. It is recommended that Condition 3 is removed from the Fire Safety Certificate, no replacement Condition is required.

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.

Des Fortune

23rd February 2026