



An
Coimisiún
Pleanála

FSC Report

ACP-324022-26

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

Appeal v Condition
(Condition 7)

Development Description

Construction of a four-storey
apartment block consisting of 46 no.
apartment units over basement car
park
at
Block E, Regles Lusk, Lusk, Fingal,
Co. Dublin.

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

FSC2407022FL/7DN
(Submission No. 3024058)

Appellant

Mr. Edwin O'Dwyer

Appellant's Agent

Mr. Bryan Dunne,
Eamon O'Boyle & Associates

Building Control Authority:

Fingal County Council

Inspector

Colin Barden

Contents

1.0 Introduction	3
2.0 Information Considered	4
3.0 Relevant History/Cases	4
4.0 Appellant's Case.....	5
5.0 Building Control Authority Case.....	6
6.0 Assessment.....	6
7.0 Recommendation.....	10
8.0 Reasons and Considerations.....	11
9.0 Conditions.....	12
10.0 Sign off.....	12

1.0 Introduction

The proposed development at Block E, Regles Lusk, Lusk Co. Dublin consists of the construction of 46 No. apartments over a common basement car park.

- 1.1. A Fire Safety Certificate Application, with Building Control Authority (BCA) Ref. FSC2407022FL/7DN was submitted to the BCA on 20/09/2024. That Fire Safety Certificate Application was Granted subject to 11 Conditions on 16/12/2025. An appeal against Condition 7, below, was lodged with An Coimisiún Pleanála (ACP) on 12/01/2026.

“Condition: No. 7:

The basement car park is to be provided with a sprinkler system in accordance with I.S. EN 12845:2015 + A1:2019 Fixed firefighting systems – Automatic sprinkler systems-Design, installation and maintenance.

Reason:

To comply with Part B3 of the Second Schedule to the Building Regulations, 1997 to 2024.”

- 1.2. The subject of this report is an appeal v condition (Condition 7).

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 20/09/2024.
- Revised information submitted on 20/10/2025.
- Revised information submitted on 20/11/2025.
- Grant of Fire Safety Certificate with 11 Conditions attached dated 16/12/2025.
- Appeal by the Agent, Mr. Bryan Dunne, Eamon O'Boyle & Associates, on behalf of the Appellant, Mr. Edwin O'Dwyer, lodged with ACP on 12/01/2026.
- BCA response to the appeal, dated 10/02/2026.
- Further submission to ACP by the Agent on behalf of the Appellant, dated 09/03/2026.

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 7 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 facie* guidance for compliance with Part B (fire) of the Second Schedule to the Building Regulations.
- The proposed building does not fall under the criteria in TGD-B requiring sprinklers in certain case.
- Section 3.5.2 of TGD-B specifically states “*car parks are not normally expected to be fitted with sprinklers*”.
- The basement car park is considered to be a ‘normal risk’ car park.
- BS 7346: Part 7 – components for smoke and heat control systems, sets out some situations in which a car park may be considered a higher risk, such as where cars are stacked vertically upon one another. The car park to which this appeal relates does not fall under the definition of higher risk in that standard.
- The most recent version of TGD-B (TGD-B 2024) has not added any requirements for basement car parks to be provided with sprinklers.
- In relation to the BCAs concerns regarding EVs multiple studies have shown that EVs are 20 times less likely to catch fire. It is acknowledged that when ignition does occur EV fires may be more difficult to extinguish however sprinklers are not designed to target shielded fires. Therefore the effectiveness of sprinkler on such fires is questionable.
- It is submitted that the compliance with the requirements of TGD-B is sufficient for life safety and that the provision of sprinklers in a basement car park such as the subject of this appeal is a property protection issue.
- Given the above the Appellant notes that there is no requirement in TGD-B 2006 (2020 Reprint) 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 additional points:

- The BCA claims that Condition 7 was included to comply with Regulation B1 and B5. 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 7, 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 7 to the Grant of Fire Safety Certificate is “*To comply with Part B3 of the Second Schedule to the Building Regulations, 1997 to 2024.*”. I can only assume that by “Part B3” the BCA meant Regulation B3. In their response to the appeal the BCA states that Condition 7 was attached in order to comply with Regulations B1 and B5. However as the condition itself refers to B3 the response to the appeal is largely outside of the scope of the reason given for the attachment of the condition in the first place. I will therefore confine the assessment to the consideration of compliance with Regulation B3.

6.2.1. 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*”. In their subsequent submission to the Commission the BCA refer to Regulation B1 and B5 as the reasons for included Condition 11, not Regulation B3. However the BCA’s submission does contend that the guidance in 3.5.2(a) of 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 more 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.

Although the BCA do raise some valid items of consideration regarding fires in modern vehicles, TGD-B is the *prima facie* 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 2024 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 in this case.

The BCA refers to a technical paper "*Characterizing EV vs ICE Hazards in Parking Structures; Result of Full-Scale Testing*" and claim that paper supports the case for sprinklers in car parks.

The Appellant notes that the proposed design complies with the requirements of TGD-B and states that the provision of sprinklers in car parks is a property protection issue.

The "*Characterizing EV vs ICE Hazards in Parking Structures; Result of Full-Scale Testing*" technical paper is part of a 3 phase project being sponsored by the National Fire Protection Association (NFPA). This project does not examine the need for sprinklers in covered car park 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 life safety requirement in TGD-B that would require sprinklers under Regulation B3 in this case.

6.3. Conclusion

Whilst noting that I agree with the Appellant regarding compliance with Regulation B3, without sprinklers, I also note that 1.4.16 of TGD-B 2006 (2020 reprint) requires fixed fire hose reels in basement car parks exceeding 500m² and that fixed fire hose reels are not proposed in this 1700m² basement car park. I acknowledge that in the absence of sprinklers, as conditioned by the BCA, the importance of an alternative fixed fire suppression method such as fixed fire hose reels is enhanced. I also note that the review and revisions of TGD-B, including the more recent 2024 edition, continue to require fixed fire hose reels in car parks. I would therefore recommend that, should the Commission decide to uphold this appeal, Condition 7 should be reworded to refer to the provision of fixed fire hose reels.

My conclusion is that Condition 7 should be reworded and the requirement for sprinkler protection to the basement car park should be removed. However, in the absence of a proposal for fixed fire hose reels in the basement car park new wording should be included to deal with the requirement of 1.4.16 of TGD-B 2006 (2020 reprint). 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 7 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 a four-storey apartment block consisting of 46 No. apartments over basement car park at Block E, Regles Lusk, Lusk, Fingal, Co. Dublin, to the guidance provided in Section 3.5.2 (Car Parks) 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 facie* guidance set out in Technical Guidance Document B - 2006 (2020 reprint)). Therefore, the attachment of Condition 7 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 7, in relation to the requirement for fixed hose reels in 1.4.16 of TGD-B 2006 (2020 reprint), 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 7 is recommended.

Condition 7:

Fixed fire hose reels conforming to I.S. EN 671-1:2012 shall be provided throughout the basement car park. Clearly visible signage shall be provided to indicate the locations of these fixed fire hose reels.

Reason for Condition 7:

To comply with the requirements of Regulation B1 of Part B of the Second Schedule of 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

28/04/2026