



An
Coimisiún
Pleanála

FSC Addendum Report ACP-324065A-26

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

Appeal against Condition 2

Development Description

Construction of a new apartment
development at Hollywood Road,
Hollywoodrath, Fingal

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

Fingal County Council – Submission
No: 3036740

Appellant

Mr. Ronan O'Reilly, Unit 29
Southgate, Dublin Road, Drogheda,
Co. Meath

Appellant's Agent

BB7

Building Control Authority:

Fingal County Council

Inspector

Mr. Bryan Dunne

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1.0 Introduction

1.1. The Fire Safety Certificate application relates to the proposed Kilmartin Residential Development, Blocks A & B located Hollywood Road, Hollywoodrath, Tyrrelstown, Co. Dublin. The development comprises two apartment blocks over a shared ground floor car park. The car park includes car, motorbike and bicycle parking together with ancillary storage areas, with a podium-level communal amenity space above. Block A is four storeys in height, consisting of three levels of apartments over podium level, and contains 18 apartments, with a proposed top floor height of 9.45 m. Block B is five storeys in height, consisting of four levels of apartments over podium level, and contains 28 apartments, with a proposed top floor height of 12.6 m. In total, the completed development will provide 46 apartments.

1.2. A decision was made by the BCA to grant a Fire Safety Certificate (FSC) with 5 No. conditions, of which, only Condition 2 are being appealed.

Condition 2:

Sprinkler protection shall be provided to the ground level carpark in accordance with I.S. EN 12845:2015+AC:2016+A1:2019.

Reason:

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

2.0 Information Considered

2.1. The inspector reviewed all information on file and assessed the matters raised by reference to Technical Guidance Document B and other guidance documents deemed relevant to the appeal.

3.0 Relevant History/Cases

3.1. The case file includes 13 granted Fire Safety Certificates relating to applications made for the wider development between 2003 and 2019. No associated application reports or drawings were included in the case file for review. I do not consider these certificates to be directly relevant to the present appeal, as the subject building is a new building

with no relevant case history. Furthermore, neither the Appellant nor the Building Control Authority refers to these earlier applications in their submissions. Accordingly, I have not relied on these certificates in reaching my assessment.

4.0 Appellant's Case

4.1. The appeal submission argues that the requirement to sprinkler protect the ground floor car park goes beyond what is required for prima facie compliance with Part B of the Building Regulations. The appeal is based primarily on Technical Guidance Document B 2024, together with other guidance documents and a comparison with a similar project where a sprinkler condition was not imposed.

4.2. In relation to TGD-B 2024, the Appellant states that there is no requirement to provide sprinklers within a normal naturally ventilated car park. They identify the sprinkler triggers in TGD-B as relating to matters such as open-plan apartments, extended travel distances in common corridors, and buildings exceeding the relevant height threshold. The Appellant states that these matters do not arise in this case, as the apartments are designed using protected entrance halls, the common corridor travel distances are less than 7.5 m, and the top floor height of the development is 12.6 m.

4.3. The Appellant further submits that the car park meets the criteria for an open-sided car park under TGD-B. The car park is located at grade level, contains no basement storeys, is naturally ventilated by permanent openings equivalent to at least 5% of the floor area with openings on opposing elevations, and is separated from the residential accommodation by compartment construction. On this basis, the Appellant contends that TGD-B does not require sprinkler protection to the proposed car park.

4.4. As an additional case for appeal, the Appellant identifies a number of design features which they consider to be at least equivalent to, and in some respects above, the minimum provisions of TGD-B. These include two protected stairs serving the car park, additional direct exits to external areas, a simultaneous evacuation strategy, conservative occupancy assumptions for the transient car park use, 60-minute compartmentation between the car park and the remainder

of the building, and fire resisting separation to higher risk ancillary areas such as plant, bin and bicycle storage areas.

4.5. In addition to the TGD B (2024) the Appellant also refers to earlier and other guidance, including TGD-B 2020, BS 9999:2017 and BS 7346-7:2013. They state that these documents do not generally require sprinklers to normal car parks and that sprinklers arise only in specific circumstances. The specific points raised in respect of each of these documents are summarised below:

TGD-B 2020:

The Appellant refers to the 2020 edition of TGD B and notes that under Section 3.5.2 it expressly states that car parks are not normally expected to be fitted with sprinklers.

Car Parks

3.5.2 Buildings or parts of buildings used as parking for cars and other light vehicles are unlike other buildings in certain respects, and merit some departures from the usual provisions for the restriction of fire spread within buildings because:

- (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.

Note: Because of the above, car parks are not normally expected to be fitted with sprinklers.

The Appellant further states that the circumstances in which sprinklers are typically triggered under TGD B 2020, such as open-plan apartment layouts, extended common corridor travel distances or buildings exceeding the relevant height threshold, do not arise in this development. On that basis, the Appellant

contends that the sprinkler condition is not supported by TGD B 2020 and goes beyond what is required to demonstrate compliance with Part B.

BS 9999:2017

The Appellant submits that BS 9999:2017 does not require sprinkler protection to a standard car park of the type proposed. The appeal identifies specific circumstances in BS 9999 where sprinklers may be relevant, including where car stackers or similar arrangements are used without fire separation between stacked vehicles, where a building has a storey more than 30 m above access level, or where sprinklers are used to justify an increased compartment size. The Appellant states that none of these circumstances apply to the subject development: the car park does not incorporate car stackers, the top storey is below the relevant height threshold, and the car park compartment is within the applicable compartment limits.

BS 7346-7:2013

The Appellant also refers to BS 7346-7:2013, which concerns smoke and heat control systems for covered car parks. The appeal notes that this standard states that there is no general requirement in the Building Regulations, Building (Scotland) Regulations or Building Regulations (Northern Ireland) for sprinkler systems to be provided in car parks, although such requirements may arise under some local acts. The Appellant further relies on the fact that the proposed car park is naturally ventilated, with permanent ventilation openings exceeding the minimum ventilation provision referenced in the guidance, and contends that BS 7346-7 does not support the imposition of a sprinkler requirement for this car park.

4.6. The appeal submission also compares the subject development with another project (FSC for Block 2 Northern Cross FSC2104644DC_7DN) where, according to the Appellant, a sprinkler condition was not imposed despite the development having characteristics which they considers presenting a higher

risk. The comparison is relied on to support the view that imposing a sprinkler condition on the subject ground floor car park would be inconsistent and disproportionate.

Parameter	Block 02 Northern Cross	Kilmartin Local Centre-Residential
Application Lodgement date	26.07.2021	15.10.2025
Application Grant Date	24.01.2022	7.01.2026
Building Height (Top floor above ground level)	26.6m	12.3m
Number of Basements/carpark levels	2	1
Area of basement carpark	c. 3,163m ²	c. 1,264m ²
Single Stair connecting to Carpark?	Yes	No (two stairs with two exits directly to the external)
Open Plan apartments provided?	Yes	No (protected entrance halls)
Basement Carpark Ventilation Provision %	5%	5%
DFB condition for commercial sprinklers to Carpark?	No.	Yes

4.7. The Appellant concludes that Condition 2 is not supported by TGD-B 2024 or by the other guidance documents referenced in the appeal submission. They contend that the car park design complies with the relevant provisions of the guidance documents and that the sprinkler condition is unnecessary for compliance with Part B.

It is for the above reasons the appellant requests Condition 2 be removed.

5.0 Building Control Authority Case

5.1. The Building Control Authority's (BCA) report supports the inclusion of Condition 2 requiring sprinkler protection to the ground level car park. The report states that the request for sprinklers had been raised during the additional information stage and that, although acknowledged by the Appellant, sprinkler protection was not proposed. The report places particular emphasis on the risks associated with modern vehicle fires, including electric vehicles, and considers these risks relevant to the health, safety and welfare of both building occupants and firefighting personnel.

5.2. The report refers to the car park guidance in TGD-B and notes that earlier assumptions that car park fire loads are well defined and not particularly high, and that fire spread is unlikely in well ventilated car parks, are not accepted by the BCA in the context of modern vehicles. Their report state that modern vehicles: contain increased quantities of plastics and combustible materials, may generate higher heat release rates and smoke production, and may result in fire spread between vehicles. It also identifies concerns associated with electric vehicle batteries, including thermal runaway, prolonged burning, reignition and increased water demand for firefighting.

5.3. In support of its position, the BCA refers to research and case studies concerning fires in car parks, including historic and more recent studies on vehicle fire behaviour, fire spread, structural performance and firefighting intervention. The report also refers to full-scale testing comparing battery electric vehicles and internal combustion engine vehicles in parking structures, noting that modern vehicle fires present a significant hazard and that sprinkler systems are considered an important primary fire protection measure in controlling vehicle fires within parking structures.

5.4. They raise concerns regarding the adequacy of ventilation provisions in enclosed or less open car park arrangements, particularly where multiple vehicle fires or electric vehicle fires are involved. They suggest that smoke and heat conditions may present difficulties for means of escape and firefighting operations, and that existing ventilation provisions may not be adequate for the more severe fire scenarios associated with modern vehicles.

5.5. The report concludes that previous assumptions regarding car park fire loads and the normal absence of sprinkler protection can no longer be relied upon without further consideration. It is the BCA's position that sprinkler protection is necessary to assist suppression and control of fire development, to support safe means of escape, and to allow firefighting crews to safely access and operate within the car park.

On this basis, the BCA recommends that Condition 2 be upheld.

6.0 Appellant's Response to the Building Control Authority Report

6.1. The Appellant maintains that sprinkler protection to the ground floor car park is not required for compliance with Part B and argues that the BCA's position is inconsistent with the current guidance. In particular, the Appellant notes that TGD B was updated in 2024 and reprinted in 2026, and that the guidance relating to car park sprinkler protection was not amended to require sprinklers in car parks of this type.

6.2. The Appellant also states that, when considered against TGD B and BS 9999, the scale and arrangement of the proposed development does not give rise to a requirement for sprinkler protection within the car park. The car park is described as a normal car park because the design complies with the relevant minimum recommendations for travel distances, smoke ventilation and firefighter access. The Appellant also highlights that the car park is at ground level rather than basement level, which is said to improve access for firefighting operations.

6.3. In response to the BCA's reliance on modern vehicle and electric vehicle fire risks, the Appellant refers to fire statistics from 2000 to 2021 which are stated to show a reduction in motor vehicle car park fires when compared with the 2000 to 2009 period, and no fatalities arising from vehicle fires in car parks between 2000 and 2024. The Appellant also states that modern electric vehicle charging infrastructure must comply with safety regulations and that electric vehicles incorporate battery management systems intended to prevent overcharging.

6.4. For these reasons, the Appellant concludes that the installation of sprinklers in the proposed car park is not required to demonstrate compliance with the Building Regulations and requests that Condition 2 be removed from the Fire Safety Certificate.

7.0 Assessment

The appealed condition requires sprinkler protection to the ground floor car park in accordance with I.S. EN 12845:2015+AC:2016+A1:2019. The central question is therefore whether, having regard to the specific design presented, sprinkler protection

to the ground floor car park is necessary to demonstrate compliance with Part B of the Second Schedule to the Building Regulations 1997 to 2024. The basis of compliance for this application is Technical Guidance Document B 2024, reprint 2026 (TGD B). Work carried out in accordance with the guidance in TGD B is generally regarded as providing prima facie evidence of compliance with the relevant requirements of Part B. The analysis below identifies the circumstances where sprinkler systems are required or relied upon under the following guidance documents:

- (a) TGD B 2024 (reprint 2026)
- (b) BS 9999
- (c) BS 9991
- (d) BS 7346-7:2013

(a) TGD B Volume 1 2024 (reprint 2026)

Circumstances where sprinkler systems are required or relied upon in apartment buildings under this code:

- Where the topmost floor is more than 15 m above ground level.
- Where apartments are provided with open-plan layouts.
- Where extended dead-end corridor travel distances are proposed.
- To justify increased compartment sizes.

TGD B does not impose a general requirement for sprinkler protection to all car parks, and does not identify a normal, ground floor, naturally ventilated car park of the type proposed in this appeal as requiring sprinkler protection solely because it is used for vehicle parking.

(b) BS 9999: 2017

Circumstances where sprinkler systems are required or relied upon in apartment buildings under this code:

- BS 9999 is a risk-based code of practice rather than a prescriptive Irish statutory guidance document. It allows sprinkler protection to be used as part

of a package of fire safety measures, particularly where the design seeks flexibility or compensatory measures.

- Where a design proposes extended travel distances or reduced escape provisions and sprinklers form part of the justification for that approach.
- Where increased compartment sizes are proposed.
- In buildings with a storey more than 30 m above access level, depending on the building use, risk profile and fire safety strategy.
- Where car stackers/automated parking systems are provided in car parks.
- To justify reduced levels of passive fire protection, alternative fire resistance provisions or other departures from the normal recommendations of the code.

BS 9999 does not impose a general requirement for sprinklers to every standard car park. In the context of this appeal, none of the BS 9999 circumstances identified above have been shown to apply to the proposed ground floor, naturally ventilated car park.

(c) BS 9991: 2024

Circumstances where sprinkler systems are required or relied upon in apartment buildings under this code:

- Where the height, layout, escape strategy or risk profile gives rise to a need for additional active fire protection.
- In open plan apartments.
- Where extended travel distances, reduced escape provisions or alternative common corridor arrangements are proposed.
- Where increased compartment sizes, reduced compartmentation or other departures from the standard recommendations are proposed.
- Where a residential fire strategy uses sprinklers to support other design concessions, such as reduced passive fire protection or alternative fire resistance measures.

BS 9991 does not, of itself, impose a general requirement for sprinkler protection to every ground floor naturally ventilated car park serving a residential development. In the context of this appeal, the BS 9991 circumstances identified above have not been shown to apply to the proposed car park.

(d) BS 7346-7:2013

BS 7346-7:2013 is a code of practice concerned with functional recommendations and calculation methods for smoke and heat control systems for covered car parks.

Circumstances where sprinkler systems are required or relied upon in apartment buildings under this code:

- Where the car park design includes car stackers or automated/high-density parking arrangements, particularly where fire separation between stacked vehicles is not provided.
- Where the selected design fire size, smoke control strategy or fire engineering approach assumes fire suppression as part of the basis of design.
- Where a smoke and heat control system is designed to operate in conjunction with other fire protection systems, and the overall fire strategy depends on interaction between smoke control and suppression systems.

In the context of this appeal, the proposed car park is at ground floor level and is stated to be naturally ventilated. No car stackers, automated parking system or performance-based smoke control design relying on sprinkler suppression has been identified. Accordingly, BS 7346-7:2013 does not support a general requirement for sprinklers in this car park.

It is evident from a review of the above documents (including the most recent version of TGD B) that there is no general requirement from sprinkler protecting a ground floor, ventilated car park of the one proposed in this FSC application.

The car park being proposed is at ground floor level rather than basement level, is stated to be naturally ventilated, and is separated from the residential accommodation by compartment construction. The appellant states that the car park ventilation provision is at least 5% of the floor area, with openings on opposing elevations, and

that the car park is a separate part of the building. On this basis, the design is therefore closer to a naturally ventilated ground floor or open-sided car park than to an enclosed basement car park.

I have also considered the BCA's reliance on research and case studies concerning modern vehicles, electric vehicles and fire spread in parking structures. That material supports the proposition that modern vehicle fires may present significant operational challenges and that sprinklers can be an effective fire protection measure in parking structures. I do not dismiss those concerns. However, the research and case-study material relied upon is largely general in nature. It does not demonstrate that this specific ground floor, naturally ventilated, compartmented car park requires sprinkler protection to comply with TGD B 2024 (reprint 2026), or with Part B of the Building Regulations.

The BCA also refers to two recent An Coimisiún Pleanála appeal decisions, ACP-322889-25 and ACP-323115-25, in which sprinkler conditions relating to car parks were upheld. I have considered both cases below:

Case 1

ACP-322889-25 at Rockbrook Central, Carmanhall Road / Blackthorn Drive, Sandyford, Dublin 18. The development comprised two relatively tall residential blocks, with top floor heights in excess of 30 m, and the completion and reconfiguration/material alteration of three existing or part-constructed basement levels containing car parking and ancillary accommodation. The condition in that case related to sprinkler protection to basement levels B1, B2 and B3. The inspector's reasoning for retaining the basement sprinkler condition was building-specific and placed weight on the height and complexity of the development and the basement car park levels.

Case 2

ACP-323115-25 at 67 Magenta Hall, Santry Avenue, Swords Road, Santry, Dublin. That development comprised an aparthotel and apartment development over a basement car park and ancillary accommodation. The appeal was against a condition requiring the basement car park to be provided with sprinklers in accordance with I.S. EN 12845. ACP refused the appeal and directed that the sprinkler condition be attached. Again, the case concerned a basement car park below a larger and more

complex mixed-use development, and the decision was made by reference to the particular building design.

In my opinion, both ACP-322889-25 and ACP-323115-25 are very different from the present appeal. The present case concerns a lower-rise apartment development with top floor heights of 9.45 m and 12.6 m, over a ground floor car park. It is not a tall residential development with top floor heights in excess of 30 m with multiple basement levels, nor is it a mixed-use aparthotel/apartment development over a basement car park.

The two cited ACP cases therefore do not establish that sprinkler protection is required for all car parks. Rather, they demonstrate that car park sprinkler conditions may be upheld where the building-specific circumstances justify them. The circumstances of ACP-322889-25 and ACP-323115-25 are materially different from that in ACP-324065-26, and I do not consider that the same conclusion should automatically follow in this appeal.

For the reasons set out above and the fact that no evidence that sprinkler protection to the car park is required to compensate for extended travel distances, open-plan apartments, excessive building height, excessive compartment size or inadequate fire service access, I remain of the opinion that the appellant has demonstrated that Condition 2 is not necessary to achieve compliance with Part B of the Second Schedule to the Building Regulations 1997 to 2024. While the BCA's operational concerns regarding modern vehicles and electric vehicles are understandable, Condition 2 would impose a requirement that has not been shown to be necessary by reference to the specific provisions of TGD B.

8.0 Recommendations

On the basis of my assessment, I recommend that An Coimisiún Pleanála grant the appeal and instruct the Building Control Authority to remove Condition 2 from the Fire Safety Certificate.

9.0 Reasons and Considerations

Having regard to the Fire Safety Certificate application, the appeal submissions, the BCA's response, the Appellant's further response, the Commission's request for an addendum report, the provisions of Technical Guidance Document B, Volume 1, 2024, reprint 2026, and the relevant British Standards and case material considered above, I am of the opinion that the Appellant has demonstrated that Condition 2 is not necessary for the subject development and should be removed.

10.0 Conditions

N/A — on this occasion Condition 2 should be removed.

11.0 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.

Bryan Dunne

MSc, BSc, Dip (Eng), CEng, MIEI, Eur Ing

13th July 2026