



An
Coimisiún
Pleanála

FSC Addendum Report ACP-324194A-26

Appeal v Refusal or Appeal v Condition(s)

Appeal v Condition

Development Description

Fire Safety Certificate for block of 57
apartments over basement carpark at
Cherrywood, West Courtyard, Cabinteely,
Dublin 18.

Building Control Authority Fire Safety Certificate application number:

FSC2403337DR/7DN, 3018845

Appellant

William Neville & Sons Unlimited Co.

Appellant's Agent

SCA Planning with K-Design Studio

Building Control Authority:

Dun Laoghaire Rathdown County Council

Inspector

Jamie Wallace

Contents

1.0 Introduction	3
2.0 Information Considered	3
3.0 Relevant History/Cases	3
4.0 Appellant's Case	4
5.0 Building Control Authority Case	4
6.0 Assessment	5
7.0 Recommendation	9
8.0 Reasons and Considerations	9
9.0 Condition	9
10.0 Sign off	10

1.0 Introduction

- 1.1. On 16/07/2026, the Commission decided to defer case ACP-324194-26 for consideration at a further meeting and sought an addendum report as set out in Direction DC-022332-26 ACP-324194-26.
- 1.2. This Addendum Report (FSC Addendum Report ACP-324194A-26) should be read in conjunction with the Inspector's "FSC Report ACP-324194-26" dated 01/07/2026.

2.0 Information Considered

The information considered comprised the following:

- Drawings and report submitted with the FSC application on 16/04/2025.
- Further information including drawings received by the BCA on 11/11/2025 & 17/02/2026.
- Copy of BCA decision with conditions of 23/03/2026.
- Appeal submitted to ACP by SCA Planning but prepared by K-Design Studio on behalf of the appellant received on 01/04/2026.
- Submissions received from the BCA on the appeal on 14/05/2026.
- Further submission to ACP by SCA Planners but prepared by K-Design Studio on behalf of the appellant received on 04/06/2026.
- Direction CD-022332-26 ACP-324194-26 of 16/07/2026.

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. The following Commission decisions at other locations may be of assistance to the Commission in determining the decision in relation to **Condition 2**.

ABP-312605-22 Construction of new 6 storey apartment building with commercial units on ground floor and associated works at 5 Second Avenue, Cookstown Industrial Estate, Tallaght, South Dublin, Dublin 24.

4.0 Appellant's Case

4.1. The appellant is appealing the attachment of Condition 2 to the grant of the fire safety certificate on the basis that the provision of sprinkler protection to the basement car park is surplus to the requirements of the relevant building regulations for the design as presented. The following points are set out in support of the appeal:

- The appellant states that the building has been designed to comply with TGD Part B 2006 (2020 Reprint) which states “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”.
- The appellant argues that TGD Part B only calls for sprinkler systems in buildings of this type where the proposed building height is over 30m or where open plan apartments are proposed, and this is not the case here.
- The appellant states that the basement car park has natural smoke ventilation provided at a rate of at least 5%. This is more than the 2.5% requirement stated in TGD Part B.
- The appellant states that dry risers are proposed within the building as an additional firefighting measure which is surplus to the requirements of TGD Part B.
- The appellant states that TGD Part B clearly states that “basement car parks are not normally expected to be fitted with sprinklers”.

5.0 Building Control Authority Case

5.1. The BCA claims that Condition 2 should remain in place so that an adequate level of fire safety protection is provided primarily to mitigate against the fire load and rate of fire spread associated with modern vehicles in the basement car park. The following points are set out in support of their case:

- The BCA states that the functional requirements of the Building Regulations allow for and requires consideration of all new hazards due to changes in technology and materials as well as recognising limitations of assumptions based on historical data which may not reflect modern fire risks.
- The BCA states that it is their opinion that current guidance documents including TGD Part B 2006 (2020 Reprint) which is the relevant guidance document in this case can no longer be relied upon when assessing the risks associated with EV fires (including various chemical reactions) and based on recent research available and the first-hand experience of Dublin Fire Brigade, they claim that they are justified in looking for a sprinkler system to be provided in the car park.

6.0 **Assessment**

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

- 6.1.1. Having regard to the nature of the appeal which is solely against Condition 2 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. The basis of my assessment is outlined below-
- 6.2.2. The assessment considers the following regulations as they are deemed relevant to Condition 2.
- B1: Means of warning and escape in case of fire
 - B2: Internal fire spread (linings)
 - B3: Internal fire spread (structure)
 - B4: External fire spread

- B5: Access and facilities for the fire service

- 6.2.3. The assessment considers the requirements of Art 39 of the Building Control Regulations and the extent to which the design of the building complies with the requirements of Part B of the second schedule to the Building Regulations including guidance set out in Technical Guidance Document B 2006 (2020 Reprint). This version (TGD Part B 2006 (2020 Reprint)) is accepted as the relevant technical guidance document to be considered in the case. There is no attempt in the appellant submission or the BCA submission to dispute this. BS 5588-1:1990 is proposed by the applicant and accepted by the BCA as the basis for providing evidence of compliance with requirements B1.2 (Horizontal escape) and B1.3 (Vertical escape). This is standard practice as Section 1.1 of the TGD references the British Standard as the relevant document to be considered when designing for means of escape from buildings in Purpose Group Residential 1(c) Flats and Maisonettes. Other areas of the building including the car park are proposed as ancillary to this main residential use of the building.
- 6.2.4. In consideration of the arguments put forward by the appellant and the BCA in relation to Condition 2, there is a difference of opinion as to whether the relevant regulations require sprinkler coverage in the basement car park of a building of the type, size and arrangement presented in the design.
- 6.2.5. The appellant claims that the proposed design as presented in the FSC application meets the requirements of TGD Part B 2006 (2020 Reprint) without the inclusion of a sprinkler system in the basement car park and that the guidance document is explicit in this regard as it states clearly at Section 5.4.3.1 that “basement car parks are not normally expected to be fitted with sprinklers”. Furthermore, the appellant claims that Section 0.3.8 states *“For Buildings containing flats (purpose group 1(c)), buildings with a floor level greater than 30m may require additional provisions to the requirements specified in this document, such as the provision of a sprinkler system”* and presents this as further evidence that sprinklers are surplus to the requirements of the relevant regulations in this case.
- 6.2.6. The BCA claims that the relevant Technical Guidance Document is insufficient in its guidance with regards to car park design criteria. It is their clearly presented view that recent research and first-hand experience have not been taken into

consideration in relation to risks associated with modern vehicle fires. In the submission to ACP the BCA state *“Dublin Fire Brigade calls for more research into fires in car parks, with a view to establishing improvements in guidance for the requirements of sprinklers in car parks within Technical Guidance Document B. Basement car parks should not be deemed low risk with a well-defined fire load”*. The BCA stance is that demonstration of compliance with the requirements of the relevant TGD Part B should not in their view indicate prima facie compliance with Part B of the Second Schedule to the Building Regulations. The BCA conclude their report by stating *“The risk presented by modern cars in car parks is over and above the environment assumed in TGD B. Dublin Fire Brigade have identified that these minimum standards are insufficient to address this new risk being presented.”*, which further illustrates their position that the relevant guidance is not deemed appropriate.

- 6.2.7. The BCA submission includes an assessment of domestic sprinkler systems which references extracts from BS 9251 (Code of Practice for Fire Sprinkler Systems for Domestic and Residential Occupancies). One such reference is claimed by the BCA as “Justification for the use of the standard I.S. EN 12845: 2015+A1:2019” and states *“In buildings where there is a mix of residential, non-residential and commercial use it is generally appropriate to protect the residential parts using this British Standard and the non-residential parts using BS EN 12845.”* This explains the wording of Condition 2 however it does not serve as evidence that sprinkler coverage is required to the car park in the case of this building. It is understood that this British Standard is primarily used as relevant guidance when designing a sprinkler system however it is also understood that it doesn’t provide guidance on when sprinklers are required in buildings.
- 6.2.8. The building is presented and designed as **Purpose Group Residential 1(c) Flats and Maisonettes** in the FSC application. The car park design is indicated on the FSCA drawings as a semi basement under the residential blocks which connects each block and stair cores with a podium over. The car park use is considered ancillary to the main use of the building and is separated from the rest of the building by 60 minutes fire resistance construction and is naturally ventilated. The appellant references Section 3.5.2 of TGD Part B 2006 (2020 Reprint) as further evidence that the relevant requirements for the design of the car park element have been met:

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.

- 6.2.9. Ventilation to the car park is provided at a rate more than the stated requirement (2.5% of the floor area at that level) in the relevant TGD and can therefore be considered as being provided with Natural Ventilation. The appellant has demonstrated this clearly in the application documents and this has not been disputed by the BCA. The BCA does question the adequacy of Natural Ventilation and the performance of such systems when dealing with EV fires. The BCA submission states, “*Such ventilation systems / design are very likely to be inappropriate for a multiple vehicle fire*”. Notwithstanding this, the requirements of the relevant regulations in regard to ventilation of the car park are deemed to be met.
- 6.2.10. Compartmentation of the car park from other parts of the building is provided by 60 minute fire resisting construction. The appellant has demonstrated this clearly in the application documents, the adequacy of this provision has not been disputed by the BCA and the requirements of the relevant regulations in this regard are deemed to be met.
- 6.2.11. While there is a general acceptance that EV fires present new considerations for building designers and for firefighting operations, it is understood that it remains the

case that demonstration of compliance with the relevant TGD Part B represents prima facie evidence of compliance with the requirements of the Building Regulations.

- 6.2.12. Therefore, in relation to Condition 2 and the arguments put forward by both sides, I consider that the design as presented meets the requirements of TGD Part B 2006 (2020 Reprint) and by attaching Condition 2 the BCA have imposed additional requirements above and beyond those required by the relevant regulations in a building of this type.

7.0 Recommendation

Direct the BCA to remove Condition 2 for the reasons and considerations set out below:

8.0 Reasons and Considerations

- 8.1. Having regard to the presented design for construction of the building in connection with the Fire Safety Certificate application, the appeal and to further submissions made in relation to the appeal, and to the report and recommendation of the reporting inspector, it is considered that **Condition 2** as originally attached by the Building Control Authority to the fire safety certificate is not necessary to satisfy the requirements of Part B. The Board concluded with respect to this condition that it has been demonstrated by the first party appellant in the fire safety application and appeal that the building is compliant with the requirements of TGD: Part B 2006 (2020 Reprint). The Board was therefore satisfied that it would be appropriate to omit **Condition 2**.

9.0 Condition

Condition 2: The basement car park shall be provided with a sprinkler system in accordance with I.S. EN 12845: 2015 + A1: 2019.

Reason: To ensure compliance with Parts B1- B5 of the Second Schedule to the Building Regulations, 1997 to 2024.

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.

Jamie Wallace

13/08/2026