

An
Coimisiún
Pleanála

FSC Report ACP-324201-26

Appeal v Refusal or Appeal v Condition(s)

Appeal v Conditions

Development Description

Fire Safety Certificate for erection of 2 storey steel portal frame GIS substation building for industrial power usage at Quarry Road, Huntstown, Co. Dublin

Building Control Authority Fire Safety Certificate application number:

Fingal County Council – Submission No. 3038413

Appellant

Mr. Adam Lee

Appellant's Agent

Nicholas O'Dwyer Ltd

Building Control Authority:

Fingal County Council

Inspector

Mr. David Bishop

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1.0 Introduction

- 1.1. The application is described on the application form as erection of 2 storey steel portal frame GIS substation building for industrial power usage. Quarry Road, Huntstown, Fingal.
- 1.2. The Nicholas O'Dwyer Ltd (NOD) compliance report in Section 0.2 Outline Description of Proposed Development states *'the overall site is split between two separate compounds: an Eirgrid compound including a 220kV GIS Building (Mooretown 22kV Substation) and a customer compound including the Switchyard and MV switch rooms. The new 220kV GIS Substation shall be provided to serve a new data centre development. The substation shall be located adjacent to Huntstown Generation Station, North Road, Finglas, Dublin 11 and its associated existing 220kV insulated substation'*.
- 1.3. The Use of Proposed Works Or Building is identified by the Appellant's Agent NOD on the application form as *'Industrial'* with the Purpose Group of Proposed Works or Building as *'Industrial Normal Hazard'*. This would equate to Purpose Group 6a in Technical Guidance Document B 2024 (TGDB).
- 1.4. However, in the NOD Compliance Report in Section 0.3 the Purpose Group Classification is identified as *'Purpose Group 6b'*. This is described in TGDB as Industrial High Hazard.
- 1.5. NOD identified the extent of area subject to the Construction of New Building as 2,149m² which equates to the combined proposed ground and first floor levels of the proposed building.
- 1.6. A decision was made by the BCA to grant the Fire Safety Certificate (FSC) subject to 12 no. Conditions. The 2 no. conditions which are the subject of this appeal are conditions nos. 9 and 11 set out as follows with the corresponding reasons given by the BCA:

Condition 9:

The provisions of hydrants shall comply with section 5.3.3 of Technical Guidance Document B 2024 [As revised 2026], i.e. 1 no. hydrant shall be provided.

Reason:

To comply with Part B5 of the Second Schedule to the Building Regulations, 1997 to 2024.

Condition 11:

We note that there is escape towards a void and extended travel distances; therefore there shall be provide 2 external stairs at or near Gridlines 6-7 and in line with Gridlines A and D per drawing 80195-NOD-01-01-DR-S-11003 Rev P03 that was submitted as part of this application. The Stairs shall serve first floor and ground floor in line with Gridline D i.e. the cable pit area {ground floor} persons shall be able to egress at or near gridlines 6-7 directly to outside or via the stairs; the other stairs shall serve solely first floor level in line with Gridline A at or near Gridlines 6-7.

Reason:

To comply with Parts B1 and B5 of the Second Schedule to the Building Regulations, 1997 to 2024.

2.0 Information Considered

2.1. The information considered in this appeal comprised the following:

- An Coimisiún Pleanála Case No. ACP-324201-26
- A copy of the application form, compliance report and associated drawings lodged on the BCMS system as part of the FSC application on 26th January 2026 by NOD
- A copy of the hard copy cover letter submitted to the BCA dated 13th August 2021 by FFE
- Copy of the Granted FSC (SN3038413) dated 04th March 2026.
- Appeal submission letter by NOD to An Coimisiún Pleanála dated 07th April 2026.
- BCA submission response via email to An Coimisiún Pleanála dated 15th April 2026.

- Further submission response via email by NOD to An Coimisiún Pleanála dated 08th June 2026.
- Further BCA submission response via email to An Coimisiún Pleanála dated 29th June 2026.

3.0 Relevant History/Cases

- 3.1. The scope of the FSC application is for the construction of a new building. There is no reference within the application of any previously approved FSC applications at the location of the proposed building.
- 3.2. The NOD compliance report in Section 0.2 Outline Description of Proposed Development states *'the overall site is split between two separate compounds: an Eirgrid compound including a 220kV GIS Building (Mooretown 22kV Substation) and a customer compound including the Switchyard and MV switch rooms. The new 220kV GIS Substation shall be provided to serve a new data centre development. The substation shall be located adjacent to Hunstown Generation Station, North Road, Finglas, Dublin 11 and its associated existing 220kV insulated substation'*. There is no reference to any previously approved FSC reference numbers for these existing neighbouring buildings/structures within the FSC application or within the ACP file 324201-26.

4.0 Appellant's Case

- 4.1. Condition no. 9
- 4.1.1. The Appellant states in the NOD letter dated 08th June 2026 that *'the provision of an on-site hydrant is not necessary to satisfy Requirement B5, having regard to the highly specialised nature of the development and alternate provisions in place.'*
- 4.1.2. This letter also states *'the functional intent of Requirement B5 is satisfied through the combination of effective fire appliance access and the availability of a suitable nearby water supply, together with the inherently low fire risk associated with the development.'*

- 4.1.3. The Appellant identifies an existing hydrant approximately 80m from the proposed building as being the *'suitable nearby water supply'*.
- 4.1.4. The Appellant's justification for *'the inherently low fire risk'* is that *'the primary switchgear is contained within sealed SF₆ systems and does not involve oil filled equipment'*. The Appellant also states in the NOD letter dated 07th April 2026 that *'the proposed development comprises a high voltage electrical GIS substation containing live electrical equipment'*.
- 4.1.5. In the NOD letter dated 07th April 2026 it is stated that *'In this environment, the use of water as a firefighting medium present a serious unacceptable electrocution risk to both building operatives and attending emergency services personnel.'* The Appellant outlines in the NOD letter dated 08th June 2026 that *'Fire service intervention in such installations is governed by strict electrical isolation procedures, and water based firefighting cannot be deployed until the installation is confirmed safe by the network operator.'*
- 4.1.6. In Section 5.1.3 of the NOD FSC Compliance Report it is stated *'The gross floor area of the 220kV building at ground level is 1005m². Under the guidance for buildings or groups of buildings exceeding 1000m² at least 1 no. hydrant should be provided for every 1000m² of the area covered at ground level. As this facility is an electrical substation, fire hydrants will not be installed within the substation compound'*.
- 4.2. Condition no. 11
- 4.2.1. The Appellant in the NOD FSC Compliance Report committed to maximum travel distances for Purpose Group 6(b) Industrial High Hazard for the building. They reference Table 3 of TGDB in this regard which outlines a maximum of 12m and 25m for escape in one direction and escape in more than one direction respectively. In the NOD letter dated 08th June 2026 the Appellant confirms the travel distances indicated are actual travel distances.
- 4.2.2. The Appellant outlines in the NOD letters dated 07th April 2026 and 08th June 2026 outline physical constraints with providing the additional external stairs to comply with Condition no. 11. The Appellant also states the proposed escape strategy is 'a

robust alternate solution’ and ‘complies with applicable travel distance limits, is supported by early detection and alarm systems, reflects the limited and trained occupancy profile and avoids introducing additional hazards’.

4.2.3. The Appellant addresses escape towards an open void in the NOD letter dated 08th June 2026 by stating guarding will be provided *‘ensuring occupants are not exposed to unprotected edges during evacuation’.*

4.2.4. In the NOD letter dated 08th June 2026 the Appellant outlines that *‘automatic opening vents within each staircore, which enhance tenability within the building and provide additional time for safe evacuation by limiting the accumulation of smoke within escape routes.’*

5.0 Building Control Authority Case

5.1. Condition no. 9

5.1.1. In the BCA email submission dated 15th April 2026 it is stated that *‘the building is in excess of 1000m² and requires a hydrant.’* This point is furthered in the BCA submission dated 29th June 2026 and the BCA also references Section 5.3.3 of TGDB.

5.1.2. In the BCA email submission dated 15th April 2026 it is stated that *‘this building type in fact it would be high risk’.*

5.1.3. In the BCA email submission dated 15th April 2026 it is stated that *‘in the absence of a hydrant and ergo adequate water supply the ability of any fire service to fight a fire in and around such a critical piece of infrastructure is seriously hampered’.* In the subsequent BCA submission dated 29th June 2026 the BCA acknowledges The Appellant’s response identifying an existing hydrant in the vicinity and the BCA states this *‘reinforces’* the BCA’s point.

5.1.4. The BCA in the email submission dated 15th April 2026 acknowledges *‘the applicants concerns re electrocution’.* The BCA states *‘the safety of fire fighters and operational crews is paramount; they will not engage in an fire, in and around the*

building, where a risk of electrocution exists and will wait till the electric Ireland staff have indicated it is safe’.

5.2. Condition no. 11

- 5.2.1. The BCA in their email submissions dated 15th April 2026 and 29th June 2026 state that travel distances indicated are *‘in fact direct distances’* and the BCA references Section 1.4.2.2.1.

1.4.2.2.1 Direct Distance

Where the internal arrangement of walls and fixed furniture is not known, direct distance should be used for assessment. For design purposes, the direct distance may be taken as $\frac{2}{3}$ of the travel distance. However, the final layout should not create travel distances which exceed the tabulated values given in [Table 3](#).

- 5.2.2. The BCA in their email dated 15th April 2026 note that occupants *‘are escaping towards a void, they are going long distances to escape’*
- 5.2.3. The BCA in their email dated 15th April identify the nature of the building as ‘high-risk’ and even though *‘trained personnel infrequently visit, the building should expect adequate means of escape, which the applicant has failed to provide’* and the BCA notes that no additional measures were proposed by the Appellant *‘such as smoke control which might give extended time to egress the area’*

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 a condition(s), 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. Condition no. 9

6.2.1.1. Section 5.3.3.2.1 of TGDB outlines that a hydrant should be provided where the building has a floor area on any storey more than 1000m² as per below extract. The Appellant acknowledges this in Section 5.1.3 of the NOD FSC Compliance Report and states the building is 1005m². The BCA references Section 5.3.3 of TGDB in Condition no. 9 and also the 1000m² threshold in the submission responses.

5.3.3.2.1 Buildings without an Internal Fire Main

For buildings without an internal fire main, where a public water main is available, the following requirements apply:

- A hydrant should be provided where the building has a floor area, on any storey, of more than 1000 m²; and
- For a building exceeding 1000 m², at least one hydrant should be provided for every 1000 m² of area of the largest storey.

6.2.1.2. The Appellant in their Appeal and subsequent submission outlines that the building is low risk. It is noted that the NOD Compliance Report in Section 0.3 the Purpose Group Classification is identified as '*Purpose Group 6b*'. This is described in TGDB as Industrial High Hazard. The BCA in their submission dated 15th April 2026 outline that this building '*would be 'high risk*'

6.2.1.3. The NOD FSC Compliance report states in Section 5.1.3 : '*As this facility is an electrical substation, fire hydrants will not be installed within the substation compound*'. However, Section 5.3.3 of TGDB for External Fire Mains and Hydrants does not differentiate between building types, purpose groups or the electrical nature of buildings, as included below

5.3.3 External Fire Mains and Hydrants

Most urban areas are supplied with water through public water mains. Where such mains are provided, it is normal to have hydrants provided for the fire brigade to obtain a ready supply of water for firefighting.

The siting of these hydrants is important with regard to both accessibility for fire brigade use and proximity to buildings for quick and effective firefighting.

The provision of water mains, and suitably located hydrants, outside of the site of a building does not come within the scope of the Building Regulations.

In many cases, especially for smaller developments in urban areas, hydrants on public water mains will be adequate.

However, for larger buildings, requiring a greater number of hydrants, additional hydrants on a private main may be required.

Where public water mains are not available, the provision of external fire mains and hydrants is not required, but the provision of an alternative source of water is necessary.

6.2.1.4. The Appellant in the submission dated 08th June 2026 identifies an existing hydrant approximately 80m from the proposed building as being the '*suitable nearby water supply*'. The above Section 5.3.3 of TGDB outlines that hydrants on public water mains can be used '*for the fire brigade to obtain a ready supply of water for firefighting.*' However, it states the siting of these hydrants is important in terms of proximity to buildings. The existing hydrant 80m from the proposed building exceeds the 46m identified in Section 5.3.3.2.3 of TGDB below.

5.3.3.2.3 Location of Hydrants

For public hydrants to be considered, they should be located within 46 m of the building.

Where private hydrants are provided, they should be located as shown in [Diagram 71](#) and such that:

- (a) a hydrant should be no less than 6 m and not more than 46 m from the building; and
- (b) the distance from a hydrant to a vehicle access roadway or hard-standing area for fire appliances (see [Subsection 5.4](#)) should not be more than 30 m; and
- (c) hydrants should be distributed around the perimeter of the building, having regard to the provision of access for fire appliances (see [Subsection 5.4](#)); and
- (d) hydrants should be located on the same site as the building; and
- (e) private hydrants should be conspicuously marked in accordance with BS 3251.

6.2.2. Condition no. 11

6.2.3. The maximum travel distances for Purpose Group 6(b) Industrial High Hazard are the appropriate distances. Table 3 of TGDB in this regard which outlines a maximum of 12m and 25m for escape in one direction and escape in more than one direction respectively. There are paths of escape identified on the first floor which are direct distances from Gridlines 7/D to the door at Gridline 2/C. The single direction travel distances in the ground floor Cable Pit are identified as 25m which exceed the maximum permitted 12m.

6.2.3.1. The BCA in the condition has identified that additional external escape stairs are required to address the excessive travel distances. This wording is overly restrictive as excessive travel distances could potentially be addressed by the Appellant with modifications to internal layouts.

6.2.3.2. The BCA in the condition has identified escape towards an open void. The relevant extract from TGDB is Section 1.4.3.4 included below.

1.4.3.4 Open Connections between Floors

Routes and exits should not be prejudiced by open connections between floors. Where travel is in one direction only, the escape route should not be within 5m of a void edge between floors unless it is leading away from the opening. Where there is a choice of routes, at least one of them should lead away from the opening (see [Diagram 5](#)).

6.2.3.3. The BCA in the Reason for the condition has identified *‘to comply with Parts B1 and B5 of the Second Schedule to the Building Regulations, 1997 to 2024.’* It is noted that Travel Distances are a requirement of B1 of the Building Regulations, not B5.

7.0 Recommendation

7.1. On the basis of my assessment, I direct the BCA to retain Condition No. 9 for the granted FSC unamended. I also direct the BCA to retain Condition No. 11 as amended below and for the reasons and considerations set out below’:

8.0 Reasons and Considerations

8.1. Having regard to the original FSC application and appeal made, I am of the opinion that the appellant has not demonstrated compliance with the Performance Criteria B5 of the Second Schedule to the Building Regulations 1997, as amended and the Condition no. 9 identified on the FSC should be retained unamended by the BCA accordingly.

8.2. Having regard to the original FSC application and appeal made, I am of the opinion that the appellant has not demonstrated compliance with the Performance Criteria of B1 of the Second Schedule to the Building Regulations 1997, as amended.

9.0 Conditions

Condition 9:

The provisions of hydrants shall comply with section 5.3.3 of Technical Guidance Document B 2024 [As revised 2026], i.e. 1 no. hydrant shall be provided.

Reason:

To comply with Part B5 of the Second Schedule to the Building Regulations, 1997 to 2024.

Condition 11:

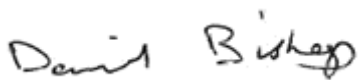
The layouts of First Floor Level and the Cable Pit at Ground Floor Level are to be amended such that Travel Distances are restricted to 12m in one direction and 25m in more than one direction for Purpose Group 6(b) Industrial High Hazard as per Table 3 of TGDB 2024 [As revised 2026].

Reason:

To comply with Part B1 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.



David Bishop

BEng, MSc, P.Grad.Dip, CEng, MIEI

31st August 2026