

# From the Engineers Journal: Fire regulations and legacy issues from the Celtic Tiger years

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Fire safety of apartments is one of the many ‘legacy issues’ to be faced by government and it cannot be long-fingered until there is a tragedy, writes Eamon O’Boyle of Chartered Fire Engineers and Event Safety Consultants.

The British government recently announced that it intends to fund the replacement of unsafe aluminium cladding on all high-rise apartments. In the context of the Grenfell fire tragedy the then prime minister Theresa May said that it was of ‘paramount importance that everybody is able to feel and be safe in their homes’.

## Fire safety regulations during Celtic Tiger

This surprise announcement will resonate with the many residents of apartments and other buildings in Ireland that were not built according to fire safety regulations and standards during the years of the Celtic Tiger.

It is interesting that much attention has been focused on apartments, but these were not the only category of building constructed during the ‘boom’.

The statutory position in respect of fire safety in apartment buildings in Ireland has been found to be deficient and has been the subject of a great deal of media commentary over the past number of years.

The statutory imperatives are included in two enactments, the Fire Services Acts 1981 and 2003 and the Building Control Act 1990 -2014.

The Fire Services Act 1981 and 2003 require owners/occupiers of premises to ensure that their premises achieve and maintain an adequate standard of fire safety in order to safeguard occupants.

This is achieved by ensuring that adequate escape routes, emergency lighting, protection against fire spread, fire detection and alarm systems, furnishings and fittings, fire safety management and training of occupants are provided.

## Building Control Acts 1990-2014

The Building Control Acts 1990-2014 are centred on the following principal areas:

- 1.) Building Regulations (Building Standards) (Part B of the Second Schedule addresses Fire Safety)
- 2.) Building Control Regulation and Administration of Fire Safety Certificates
- 3.) Powers of Enforcement and Inspection

The building regulations require that buildings are safe in the event of fire. The aims of the fire safety element of the building regulations are to provide:

- Means of Escape (Regulation B1):
- Internal Spread of Fire (Linings) (Regulation B2):
- Internal Spread of Fire (Structure) (Regulation B3):
- External Fire Spread (Regulation B4
- Facilities for Fire Services (Regulation B5)

Responsibility for compliance with fire safety requirements in all buildings are matters for:

- The owner
- The designer
- The builder

Each has different responsibilities, but it is essential they each discharge their responsibility fully to ensure the highest level of fire safety within dwellings.

Where a dwelling is occupied by a person other than the owner, the occupier has a duty of care to ensure they act responsibly in relation to fire safety arrangements.

In 2014, the Building Control System was revised. The overall objective is to achieve better building construction, in compliance with building regulations. This is achieved through:

- Identification of specific roles and responsibilities
- Statutory certification
- inspection plans
- Lodgment of compliance documents with building control authorities.

Breeches of either act carry criminal sanctions but also involve implications in respect of title necessary for property transfer purposes.

The enforcement of both enactments has attracted much negative commentary with a few high-profile cases being litigated in the highest courts.

Priory Hall has illustrated the inherent fire risks of many apartment blocks. In many cases fire safety certificates were not complied with and the inherent faults were not apparent to residents.

While Priory Hall has since been made safe it is not known how many other apartments throughout the country are still dangerous.

The absence of reliable data on the extent of the problem is a key issue to be faced. Based upon a review of planning applications received in respect of apartments between 2005 and 2008, this would suggest that up to 6,000 apartments were constructed nationally.

It is reasonable to expect that 75% will still have legacy issues and not be fully compliant with fire safety regulations and standards based on our experience.

## Essential to identify high-risk buildings

It is essential that high-risk buildings be identified, and the initial focus should be on buildings where people sleep overnight. These include apartments, hotels, hospitals, dormitories and student accommodation blocks.

It is estimated that the typical cost of remedial work per apartment would be in the region of €15,000. Based on these estimates and of work already completed the cost could be in the region of €100 million.

It is worth noting that NAMA spent €100 million on bringing properties for which it had responsibility up to standard.

It worth noting that the response to date has been to change the regime of regulation for the future but it does not address the evidence of widespread non-compliance with fire safety regulations.

Indeed, there has been little or no debate or proposals on the structuring or financing of the necessary remediation.

Local authorities have the power to order building owners to carry out a fire risk assessment and report the inspection findings with an action plan to repair faults.

The most common faults are in relation to ‘fire stopping’ which prevents smoke from moving from one apartment unit to another.

‘Fire stopping’ is hidden in wall cavities and partitions and its absence can only be detected by professional inspection.

The retro-fitting of ‘fire stopping’ measures can be done by professional and competent builders within a short period once the extent to the risk is identified.

This work must be undertaken under professional supervision. The subsequent issuance of compliance reports will allow owners to feel safe and add to the national housing stock that can be bought and sold based on need without a cloud hanging over its safety.

Fire safety of apartments is one of the many ‘legacy issues’ to be faced by government and it cannot be long-fingered until there is a tragedy.

The direct intervention of government, as in the case of pyrite, may be the only workable solution. Initially, an action plan to quantify the scale of the problem must now be undertaken. Work must then begin to rectify faults based on assessment of risk and priority.

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