

An
Bord
Pleanála

Board Direction
BD-014428-23
ABP-312641-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/11/2023.

The Board decided to Direct the Building Control Authority to **amend and attach** Condition 13 generally in accordance with the Inspector's recommendation to read as set out below.

WHEREAS the said appeal relates to condition number 13 attached to the decision of the said Building Control Authority;

AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the said conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted;

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act, 1990, as amended by section 6 of the Building Control Act 2007, and by Article 40 (2) of the Building Control Regulations, 1997, and based on the Reasons and Considerations set out below, hereby directs the said Building Control Authority to amend and attach the said condition number 13 and the reason therefor.

Reasons and Considerations

Having regard to the design of the mixed use development, to the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and to the report and recommendation of the reporting Inspector, it is considered that the Building Control Authority has demonstrated that condition number 13 attached to

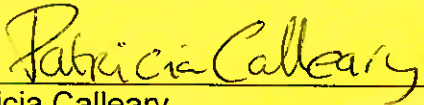
the fire safety certificate, and hereby amended, is justified and reasonably necessary to satisfy the requirements of Part B4 of the Technical Guidance Document B - Fire Safety (2006, reprinted 2020) whilst allowing unprotected openings to facilitate ventilation in respect of the relevant boundary. As set out on page 3 of the guidance document, where works are carried out in accordance with the guidance in the document, this will, prima facie, indicate compliance with Part B of the Second Schedule of the Building Regulations.

Condition 13:

External walls located within 1m of the relevant boundary shall be fire resisting from both sides with the only permitted exceptions being unprotected areas as described in Diagram 27 (Unprotected areas which may be disregarded for space separation purposes) of Technical Guidance Document - Part B: 2006 (reprinted in 2020) (noting that within the text of the key of the diagram, the unprotected area should read '1m² maximum' and not '0.1 m² maximum' which is evidently a clerical error on that diagram) and shall be formed from passive in-situ fire rated construction and be fire rated in accordance with the provisions of Section 5(a) of Table A1 of Technical Guidance Document - Part B: 2006 (reprinted in 2020). External walls located at a greater distance than 1m from the relevant boundary shall be designed in accordance with Section 4.2.8 of Technical Document - Part B:2006 (reprinted in 2020) and any parts of these walls requiring fire resistance shall be formed from passive in-situ fire rated construction and fire rated as per item 5(b) of Table A1 of Technical Guidance Document - Part B:2006 (reprinted in 2020).

Reason: To comply with Part B4 of the Second Schedule to the Building Regulations, 1997, as amended.

Board Member


Patricia Calleary

Date: 02/11/2023