

**An
Bord
Pleanála**

**Board Direction
BD-015194-24
ABP-315096-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/01/2024.

The Board decided, generally in accordance with the reporting inspector's recommendation, to direct the said authority to delete conditions numbers 5 and 10 for the following reasons and considerations.

Reasons and Considerations

Having regard to the presented design of the residential development, to the submissions made 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 Conditions numbers 5 and 10 as originally attached by the Building Control Authority to the fire safety certificate are not necessary.

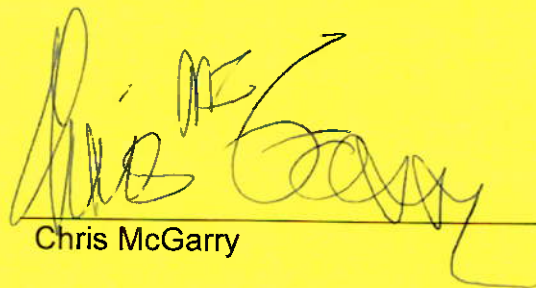
In relation to condition no. 5, it has been demonstrated by the appellant that the basement car park area does not require sprinkler protection to meet the requirements of Part B of Technical Guidance Document B of the Building Regulations 2006 (as reprinted in 2020). As set out on page three of the 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 to the Building Regulations.

In relation to condition no. 10, following consideration of established precedent and the guidance found in the UK approved document B 2019 (with 2020 amendments)

and BS 9991:2015, the Board noted the provision of dry risers and access for a fire appliance to within 18m, and within sight, of the dry riser inlet valves, presented with the application and appeal in lieu of the requirement of 50% perimeter access to within 2m of the building elevation set out in section 5.2 (Vehicle Access) and Table 5.1 (Vehicle access to buildings) of TGD-B 2006. The Board was satisfied that the alternative approach put forward meets the requirement of Part B5 (Access and facilities for the fire service) of Part B (Fire Safety) of the Second Schedule to the Building Regulations, 1997, as amended. In this regard, the Board took into account that the adoption of an approach other than that outlined in the technical guidance is not precluded provided that the relevant requirements of the Regulations are complied with, as set out in Page 3 of TGD: B 2006.

Accordingly, the Board concluded that it is appropriate to delete Condition no. 10 from the Fire Safety Certificate.

Board Member



Chris McGarry

Date: 25/01/2024