



An  
Bord  
Pleanála

**Board Direction**  
**BD-013925-23**  
**ABP-315356-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/09/2023.

The Board decided, generally in accordance with the reporting inspector's recommendation as follows:

**WHEREAS** the said appeal relates only to condition number 2 attached to the decision of the 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 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 authority to delete condition number 2 and the reason therefor:

### **Reasons and Considerations**

Having regard to the design of the nursing home, 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 it has been demonstrated that the requirements set out in Condition number two (primarily

a category 3 sprinkler system) attached to the fire safety certificate is not necessary to demonstrate compliance with Technical Guidance Document B - Fire Safety (2006, reprinted 2020). As set out in 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.

Accordingly, the requirements of condition Number two are not necessary in the case of the building that is the subject matter of the fire safety certificate to demonstrate compliance with Part B of the Second Schedule of the Building Regulations 1997, as amended.

Board Member

  
Patricia Calleary

Date: 28/09/2023