



---

**Building Control Acts 1990 to 2014**

**Building Control Authority: Fingal County Council**

**Building Control Authority Register Reference Number: 18/4137/7D**

**Appeal** by Techcrete care of Colm Traynor and Associates of Unit A4, Nutgrove Office Park, Dublin in relation to the decision made on the 19<sup>th</sup> day of December, 2018 by Fingal County Council to grant subject to conditions a fire safety certificate under section 6 (2)(a)(ii) of the Building Control Act, 1990, as amended by section 5(a) of the Building Control Act 2007 in respect of extension to the production and external gantry crane with additional finishing hall, associated site development works including staff parking at Stephenstown Industrial Park, Balbriggan, County Dublin in accordance with plans and particulars lodged with the said authority:

**WHEREAS** the said appeal relates only to conditions numbers 2 and 3 attached to the decision of the Council:

**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 the said conditions numbers 2 and 3 and the reasons therefor.

## **Reasons and Considerations**

The Board had regard to the form and layout of the existing building and the proposed extensions, the nature of the works proposed, the submissions lodged in connection with the Fire Safety Certificate application and the appeal, to the report and recommendation of the reporting Inspector, and considered that condition number 2 which requires the separating wall between Finish Hall 2 and the sandblast booth to achieve 60 minutes fire separation is not warranted by reference to Section 3.2.4.1 of Technical Guidance Document: Part B - Fire Safety (TGD-B) 2006, in that the requirement for compartment walls does not apply to the sandblast booth which can instead be treated as the same purpose group as the remainder of the production hall and noting that it is not a place of special fire risk.

It is also considered that condition number 3 which requires a minimum level of Category L3 Fire Detection and Alarm System throughout all areas of the building is not warranted as the proposals for use of a Category M alarm system is acceptable by reference to the requirements of IS3218:2013 and corresponding Section 1.4.14 of Technical Guidance Document: B 2006.

It is, therefore, considered that, subject to the removal of condition number 2 and condition number 3, the proposed works would achieve an adequate level of fire safety and would comply with the requirements of Part B (Fire Safety) of the Second Schedule to the Building Regulations 1997 to 2017.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Building Control Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

---

**Michelle Fagan**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**