



Building Control Acts 1990 to 2014

Building Control Authority: Donegal County Council

Building Control Authority Register Reference Number: FS/19/63R

Appeal by Variety Entertainment Limited trading as Blackthorn Amusements care of Clarke Engineering and Consultancy Services of Ard, Cloontagh, Clonmany, County Donegal in relation to the decision made on the 1st day of July, 2019 by Donegal County Council to grant subject to conditions a regularisation certificate under section 6 (2)(a)(vii) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of proposed material alterations to the existing approved ground floor plan layout including alteration to main entrance and relocation of ancillary accommodation at Blackthorn Amusements, Carrowreagh, Bridgend, County Donegal in accordance with plans and particulars lodged with the said Building Control Authority:

WHEREAS the said appeal relates to condition number 3 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 attach the said condition number 3 and the reason therefor:

Reasons and Considerations

Having regard to the form and nature of the material alteration, to the submissions lodged with the Regularisation Fire Safety Certificate application and the appeal, and to the report and recommendation of the reporting Inspector, the Board is not satisfied that it has been fully demonstrated that the material alteration would not result in only one stair being suitable for fire service entry to first floor level. The Board, therefore, considered that it is appropriate to provide an AOV or openable window on the upper floor level of the escape stair located along the front elevation of the building, in order to achieve an adequate level of fire safety, that would comply with Part B5 of the Second Schedule of the Building Regulations 1997-2019.

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.