



Building Control Acts 1990 to 2014

Building Control Authority: Galway County Council

Building Control Authority Register Reference Number: FS 135/2019

Appeal by Padraic Rhatigan care of Jeremy Gardner Associates Ireland Limited of Office 3, Monterey Court, Salthill, Galway in relation to the decision made on the 11th day of March, 2020 by Galway County Council to grant subject to conditions a Regularisation Fire Safety 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 an extension to level 4 and level 6 office spaces at Cearnóg Nua, Moycullen, County Galway 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 condition, 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 remove condition number 3 and the reason therefor.

Reasons and Considerations

Having regard to the form and layout of the building, the nature of the proposed works, the submissions lodged in connection with the Regularisation Fire Safety Certificate application and the appeal, the history of approvals for Fire Safety Certificates and the recommendation of the reporting Inspector, the Board considered that the subject matter of the Fire Safety Certificate application applies to works comprising an extension to level 4 and level 6 office spaces, and that no alterations have been carried out at the lower levels that would cause a new or greater contravention of the Part B (Fire Safety) of the Second Schedule of the Building Regulations 1997 to 2020, and therefore, the attachment of Condition Number 3 is not warranted.

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 2020