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**Building Control Acts 1990 to 2014**

**Building Control Authority: Fingal County Council**

**Building Control Authority Register Reference Number: FSC/19/4076**

**Appeal** by Green REIT Horizon DAC care of Pro-Fire and Design Limited of Unit W9B, Tougher Business Park, Naas, County Kildare in relation to the decision made on the 17<sup>th</sup> day of April, 2020 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 the proposed construction of a warehouse building with a two-storey ancillary office accommodation at Unit D8, Horizon Logistics Park, Dublin Airport, Swords, County Dublin in accordance with plans and particulars lodged with the said authority:

**WHEREAS** the said appeal relates only to condition number 2 attached to the decision of the Council:

**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 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 attach condition number 2 and the reason therefor.

## **Reasons and Considerations**

Having regard to the height, use and layout of the proposed building, the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and the provisions of Part B of the Second Schedule of the Building Regulations 1997 to 2020, it is considered that it has not been demonstrated that the smoke ventilation proposed in the roof of the warehouse would adequately offset the escape distances proposed which are above the limits set out within Technical Guidance Document B. Furthermore, it has not been demonstrated that the smoke/heat ventilation proposed is adequate to satisfy the requirements of Section 5.4.3.3 of Technical Guidance Document B, having regard to the nature of the development, the intention to cater for unsprinklered high bay storage, and the likely time to effective Fire Service intervention. Therefore, the Board is satisfied that the attachment of condition number 2 is appropriate.

## **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.

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**Michelle Fagan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**