



Building Control Acts 1990 to 2014

Building Control Authority: Kerry County Council.

Building Control Authority Register Reference Number: FSC 20/037/20/090.

Appeal by Killarney Brewing Company care of Des Fortune and Associates Limited of Unit 1, Upper Cranford Centre, Montrose, Dublin in relation to the decision made on the 31st day of July, 2020 by Kerry 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 proposed material alterations and extensions to create new whiskey and gin distillery, micro craft brewery and visitors centre at Killalee, Killarney, County Kerry in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to conditions numbers 1 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 condition number 1 and the reason therefor and to attach the said condition number 3 and the reason therefor:

Reasons and Considerations

Having regard to the form and layout of the proposed building, the nature of the proposed works, the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and the recommendation of the Reporting Inspector, the Board noted that the compartment sizes being proposed fall within the limits set out in Technical Guidance Document B for compartments without sprinklers in this category of usage, and concluded that the imposition of condition number 1 would be unwarranted.

Furthermore, the Board had regard to the high risk nature of the activity in the proposed development, the potential for fire spread, and for simultaneous or sequential fires in adjacent compartments, and considered that 120 minutes duration at a fire flow rate of 35L/sec is reasonable, and that in the interest of fire safety, the attachment of condition number 3 is appropriate in this instance.

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 2021.