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**Building Control Acts 1990 to 2014**

**Building Control Authority: Kerry County Council**

**Building Control Authority Register Reference Number: FSC 19/152/20/103**

**Appeal** by Skellig Distillers Limited care Des Fortune and Associates Limited of Unit 1, Upper Cranford Centre, Montrose, Dublin in relation to the decision made on the 16<sup>th</sup> day of September, 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 existing industrial unit to form a new Whiskey and Gin Distillery with visitors centre at AF2, IDA Industrial Estate, Garranearagh, Valentia Road, Caherciveen, County Kerry in accordance with plans and particulars lodged with the said authority:

**WHEREAS** the said appeal relates only to conditions numbers 1 and 4 attached to the decision of the planning 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 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 condition number 1, to attach condition number 4 and to attach a new condition so that it shall be as follows for the reasons set out:

“A 90 (ninety) minutes fire resistant compartment wall meeting the performance requirements of Appendix A of TGD-B and the requirements in Appendix D of TGD-B with regard to separated parts, shall be provided on the line indicated on drawing number 326 (Purpose Group – Block Plans) to provide adequate compartmentation between the two Purpose Groups 5 (Assembly) and 6 (Industrial – distilling) submitted to the planning authority on 15<sup>th</sup> day of August 2020. This compartment wall shall be extended to also provide 90 (ninety) minutes separation of Stairs B from the industrial risk over the full height of the stairs. In addition, any element of structure which is connected with, supports, or gives stability to the compartment wall shall be fire protected so as to also provide 90 (ninety) minutes fire resistance meeting the performance requirement in Appendix A.

**Reason:** To meet the requirements of Section B1 - Means of Escape in Case of Fire, and Section B3 - Internal Fire Spread (Structure) of the Building Regulations 1997 to 2019.

## **Reasons and Considerations**

Having regard to the form, use and layout of the building works (extensions and material alterations) proposed, to the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and to the report and recommendation of the reporting inspector, it is considered that, subject to the omission of condition number one, the attachment of the building control authority's remaining conditions, and the attachment of a new condition, the works proposed would achieve an adequate level of fire safety that would in turn demonstrate compliance with the requirements of Part B1 (Means of Escape in Case of Fire) and Part B5 (Access and Facilities for the Fire Service) of the Second Schedule of the Building Regulations, 1997 to 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.

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

**Dated this            day of            2021.**