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**Building Control Acts 1990 to 2014**

**Building Control Authority: Cork City Council**

**Building Control Authority Register Reference Number: FSCA/5204/20**

**Appeal** by HSE care of FCC Fire Cert Limited of Unit A4, Nutgrove Office Park, Rathfarnham, Dublin in relation to the decision made on the 9<sup>th</sup> day of October, 2020 by Cork City Council to grant subject to a condition 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 construction of new community nursing unit (CNU) at Saint Finbarr's Hospital at Douglas Road, Ballinlough, Cork in accordance with plans and particulars lodged with the said authority:

**WHEREAS** the said appeal relates only to a condition 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 delete the said condition and the reasons therefor:

## **Reasons and Considerations**

Having regard to the scale and nature of the proposed works, the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and to the recommendation of the reporting Inspector, the Board is satisfied that the additional provision of sprinkler protection is not necessary to achieve compliance with the requirements of Part B of the Second Schedule to the Building Regulations 1997 to 2020.

## **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 *23<sup>rd</sup>* day of *June* 2021

