



An  
Bord  
Pleanála

## Board Order ABP-312986-22

**Building Control Acts 1990 to 2014**

**Building Control Authority: Kildare County Council**

**Building Control Authority Register Reference Number: FSC2105545KE**

**Appeal by** Ciara and Harvey Appelbe of Millers House, The Old Mill, Ballymore Eustace, County Kildare in relation to the decision made on the 17<sup>th</sup> day of February, 2022 by Kildare 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 change of use from a derelict woollen mill to a proposed distillery storage building which will be of single storey construction which will be used for the storage of wooden casks filled with alcohol at Ballymore Eustace, Ballymore Eustace, Naas, County Kildare 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 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 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 remove the said condition number 2 and the reason therefor.

## **Reasons and Considerations**

Having regard to the size of the building compartment, the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and the report of the Inspector, it is considered that condition number 2, as set out in the schedule of conditions attached to the Fire Certificate granted by the Building Control Authority, is unwarranted by reason of the building compartment floor area (187 square metres) being below 1,000 square metres (at which size Technical Guidance Document B 2006 require the provision of sprinklers when the building is for the storage of hazardous goods).



**Mary Henchy**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this *15<sup>th</sup>* day of *November* 2023.