



An
Bord
Pleanála

Board Order
ABP-313248-22

Building Control Acts 1990 to 2014

Building Control Authority: Dún Laoghaire-Rathdown County Council

Building Control Authority Register Reference Number: FSC/053/2022

Appeal by CWTC Multi Family ICAV care of Michael Slattery Associates of 19 Windsor Place, Lower Pembroke Street, Dublin in relation to the decision made on the 7th day of March, 2022 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a revised fire safety certificate under section 6 (2)(a)(vi) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of reconfiguration of residential floor levels to facilitate increased number of apartments and material alterations to ancillary commercial/residential amenity areas at Cherrywood Town Centre TC2 Development, Cherrywood, County Dublin in accordance with plans and particulars lodged with the said Building Control Authority. Previous Fire Safety Certificates 18/8075 and 19/8069/7Day.

WHEREAS the said appeal relates to condition number 4 attached to the decision of the said 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, as amended by section 6 of the Building Control Act 2007, 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 Building Control Authority to attach the said condition number 4 and the reasons therefor:

Reasons and Considerations

Having regard to the form and nature of condition number 4 of the Revised Fire Safety Certificate, to the submissions lodged in connection with the Fire Safety Certificate application and the appeal, to the reports from the Building Control Authority and the Appellant, and to the report and recommendation of the reporting Inspector, the Board considered that condition number 4 is justified and should, therefore, be retained.

In deciding not to accept the Inspector's recommendation to remove condition number 4, the Board had regard to the lack of official national standards or guidance for green walls in Ireland. In the absence of clear statutory responsibilities concerning the design, installation, testing, commissioning and ongoing maintenance of green walls in Ireland, its installation at this location was considered to represent an unnecessary fire risk.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *29th* day of *November*, 2023.

