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**Building Control Acts 1990 to 2014**

**Building Control Authority: Galway City Council**

**Building Control Authority Register Reference Number: FSC2202208GY/7DN**

**Appeal** by John Carmody care of Vincent Hannon Architects of Suite 4, Cloch Mhile, Dublin Road, Galway in relation to the decision made on the 21st day of July, 2022 by Galway City Council to refuse 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 for material alteration - fixing of living wall system over part of external wall at Hyde Hotel, Forster Street, Galway in accordance with the plans and particulars lodged with the said authority:

**Decision**

Pursuant to the powers conferred on it by section 7 of the Building Control Act, 1990, An Bord Pleanála hereby allows the appeal, based on the Reasons and Considerations set out below, and directs the Building Control Authority to grant a fire safety certificate in accordance with the said plans and particulars and subject to the condition set out under.

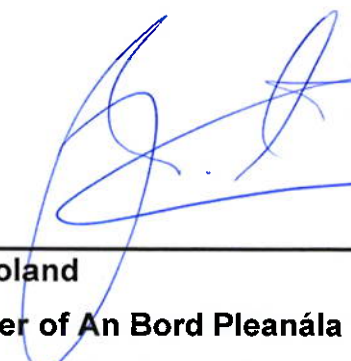

## Reasons and Considerations

Having regard to the material alteration proposed to the building the subject matter of the fire safety appeal, comprising of fixing a living wall system over part of an external wall, and to the submissions lodged by the first party appellant and the Building Control Authority, and to the report and recommendation of the reporting Inspector, the Board is satisfied that it has been demonstrated by the appellant that the proposal satisfies the requirements of Section 4.1.5 and Table 4.1 of part B4 of TGD: B (Reprint 2020). The remaining issue regarding ongoing maintenance and monitoring of the irrigation system can be adequately addressed by condition (as set out below). As set out on page 3 of the guidance document, where works are carried out in accordance with the guidance in the document, this will, prima facie, indicate compliance with Part B of the Second Schedule of the Building Regulations.

## Condition

The proposed living wall shall be fixed over the external wall and thereafter shall be maintained in accordance with the recommendations of Part 12 (Managing Fire Safety) of BS 5588:2004 or Section 9 (Managing Occupied Buildings) of BS 9999: 2017. A fire safety manual detailing and recording the proposed maintenance shall be kept on file and be available for inspection by authorised officers.

**Reason:** To comply with Part B4 of the Second Schedule to the Building Regulations 1997, as amended.

  
  
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**Joe Boland**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

Dated this <sup>9<sup>TH</sup></sup> day of *February* 2024.