

Building Control Acts 1990 to 2014

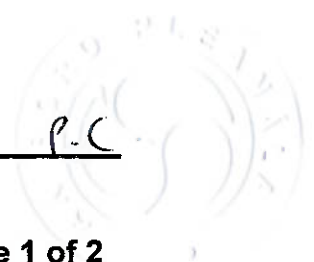
Building Control Authority: Kildare County Council

Building Control Authority Register Reference Number: FSC2204719KE

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 23rd day of November, 2022 by Kildare County Council to grant subject to conditions a regularisation certificate under section 6 (2)(a)(vii) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of the construction of a new community nursing home at St. Vincent's Hospital, Woodstock Street, Athy, County Kildare in accordance with plans and particulars lodged with the said Building Control Authority:

WHEREAS the said appeal relates to condition number 2 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 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:

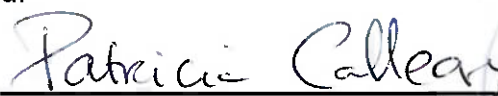


NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act, 1990, as amended by section 6 of the Building Control Act 2007, and by Article 40 (2) of the Building Control Regulations, 1997, and based on the Reasons and Considerations set out below, hereby directs the said Building Control Authority to remove the said condition number 2 and the reason therefor.

Reasons and Considerations

Having regard to the design of the nursing home, 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 it has been demonstrated that the requirements set out in condition number 2 (primarily a category 3 sprinkler system) attached to the fire safety certificate is not necessary to demonstrate compliance with Technical Guidance Document B - Fire Safety (2006, reprinted 2020). As set out in page 3 of the guidance documents, 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.

Accordingly, the requirements of condition number 2 are not necessary in the case of the building that is the subject matter of the fire safety certificate to demonstrate compliance with Part B of the Second Schedule of the Building Regulations, 1997, as amended.



Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 03 day of October 2023.

