

Building Control Acts 1990 to 2014

Building Control Authority: Galway City Council

Building Control Authority Register Reference Number: FSC2206650GY



Appeal by Patrick Fagan care of Eamon O'Boyle and Associates of 51 Cullenswood Road, The Triangle, Ranelagh, Dublin in relation to the decision made on the 7th day of December, 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 subdivision of an existing unit within Eyre Square shopping centre for use by separate tenants, i.e. Units 214 and 215 at Eyre Square, Galway.

Decision

Pursuant to the powers conferred on it by section 7 of the Building Control Act, 1990, An Bord Pleanála hereby refuses the appeal based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the documentation submitted with the application and appeal, and to the report and recommendation of the reporting Inspector, it is considered that the design presented with the application has not demonstrated compliance with the requirements of Section 1.1.5 of Part B1 of TGD:B 2006 (reprint 2020), and the relevant provisions of BS5588 Part 10 (fire precautions in the design, construction and use of buildings, code of practice for shopping complexes). The Board also noted that BS9999:2017 which replaced BS5588: Part 10, has the same limitations with respect to size, travel distance and number of escapes for small shop units or kiosks, where a single exit can be considered adequate. The applicant has not demonstrated provided any technical solutions which would allow the Building Control Authority to approve the design, which deviates materially from the relevant recommendations for means of escape provisions in small units within shopping centres. Accordingly, the Board concluded that it has not been demonstrated that the design presented with the application and appeal would comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997.



Chris McGarry

Member of An Bord Pleanála

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

Dated this 24th day of January 2024.