



An
Bord
Pleanála

Board Order
ABP-316691-23

Building Control Acts 1990 to 2014

Building Control Authority: Meath County Council

Building Control Authority Register Reference Number: FSC2203829MH

Appeal by Malachi Cullen care of Eamon O'Boyle and Associates of 51 Cullenswood Road, The Triangle, Ranelagh, Dublin in relation to the decision made on the 23rd day of March, 2023 by Meath 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 construction of a single storey, stand alone, warehouse building (600 square metres floor area) with pitched roof of 9.6 metres at ridge and 6 metres at eaves together with all associated site works at Kells Business Park, Cavan Road, Kells, County Meath 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:

P.C.

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 delete the said condition number 2 and the reasons therefor.

Reasons and Considerations

The Board had regard to the presented design of the proposed storage warehouse building and the details contained in the compliance report, to the submissions made in connection with the Fire Safety Certificate application and the appeal, including the CFD analysis of smoke ventilation and the specific provision for automatic opening vents in the building, and the report and recommendation of the reporting Inspector. The Board also took into account the provisions set out in Part B of Technical Guidance Document B – Fire Safety 2006 (reprinted 2020) [Technical Guidance Document: Part B] and noted that the floor area (600 square metres) and building use (storage) would, by reference to Table 3.1 (Maximum area and cubic capacity of a building or compartment) of Technical Guidance Document B, lie below the maximum permitted areas for a building/compartment for the purpose of storage of either normal or high hazard products or materials, where there is no automatic sprinkler system proposed. The Board was satisfied that it has been demonstrated by the first party appellant in the fire safety application and appeal that there is no requirement to restrict the height of the products to be stored in the building to 4 metres where no automatic sprinkler system is proposed by reference to the threshold for sprinklers set out in Table 3.1 of Technical Guidance Document: Part B 2010 or the wider provisions contained therein. Accordingly, condition number 2 as originally attached by the Building Control Authority to the fire safety certificate is not necessary to meet the guidance set out in Technical Guidance Document: Part B or demonstrate

compliance with Part B of the Second Schedule to the Building Regulations, 1997, as amended.

The Board concluded that, subject to the attachment of the remaining conditions (excluding condition number 2), it has been demonstrated that the Building, if constructed in accordance with 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, as amended.



Patricia Calleary

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

Dated this *28* day of *March* 2024.