



An  
Bord  
Pleanála

Board Order  
ABP-318191-23

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**Building Control Acts 1990 to 2014**

**Building Control Authority: Kildare County Council**

**Building Control Authority Register Reference Number: FSC2200301KE**

**Appeal** by Smallwell Properties Limited care of Maurice Johnson and Partners of The Anchorage, Charlotte Quay, Dublin in relation to the decision made on the 8<sup>th</sup> day of September, 2023 by Kildare 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 warehouses 02 and 03 forming part of the Ballykelly Maturation site at Ballykelly, Monasterevin, County Kildare 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:

**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 reason therefor.

## **Reasons and Considerations**

The Board had regard to the presented design and use of the proposed storage warehouse buildings within the maturation facility associated with the neighbouring distillery site and to the details contained in the compliance report and supporting documentation, to the submissions made in connection with the Fire Safety Certificate application and the appeal, and to 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) [TGD: Part B] and noted that the floor area of each of the two compartments (974 square metres for each of warehouse 02 and 03), would, by reference to Table 3.1 (Maximum area and cubic capacity of a building or compartment) of TGD:B, lie below the maximum permitted areas of 1,000 square metres for a building/compartment for the purpose of storage of high hazard products or materials, where there is no automatic sprinkler system proposed.

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

*Patricia Callear*

**Patricia Callear**

**Member of An Bord Pleanála**

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

Dated this *02* day of *August* 2024.