



An
Bord
Pleanála

Board Order
ABP-318192-23

Building Control Acts 1990 to 2014

Building Control Authority: Kildare County Council

Building Control Authority Register Reference Number: FSC2200302KE

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 8th 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 warehouse 01 and vatting building to form 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 building and vatting building 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 Warehouse 01 and 139 square metres for the Vatting Building), would, by reference to Table 3.1 (Maximum area and cubic capacity of a building or compartment) of TGD:B, each 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 Calleary

Patricia Calleary

Member of An Bord Pleanála

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



Dated this 02 day of August 2024.