



An
Coimisiún
Pleanála

Commission Order
ABP-319538-24

Building Control Acts 1990 to 2014

Building Control Authority: Mayo County Council

Building Control Authority Register Reference Number: FRV2401264MO

Appeal by KOG Logistics Limited care of Fire Engineering Consultancy Limited of 3 Dr. Mannix Drive, Salthill, Galway in relation to the decision made on the 22nd day of March, 2024 by Mayo County Council to grant subject to conditions a revised fire safety certificate under section 6 (2)(a)(vi) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of revisions to the previously approved fire certificate FSC2304451MO for proposed extension to the existing warehouse at Aughadrinagh, Ballinrobe Road, Castlebar, County Mayo in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates to condition number 2 attached to the decision of the said Building Control Authority:

AND WHEREAS An Coimisiún Pleanála is satisfied, having regard to the nature of the said conditions, that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted:

NOW THEREFORE An Coimisiún 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 attach the said condition number 2 and the reasons therefor.

Reasons and Considerations

Having regard 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 has not been demonstrated by the appellant to the Commission that the provision of an automatic sprinkler protection system is not a requirement that is necessary to demonstrate compliance with Technical Guidance Document B - Fire Safety (2006, reprinted 2022) or accordingly to demonstrate compliance with the requirements of Part B of the Second Schedule to the Building Regulations 1997, as amended. The Appellant provides no engineering assessment or technical interpretation to demonstrate compliance with Part B of the Building Regulations in the absence of compliance with condition number 2 of the relevant Fire Certificate.

As part of the assessment the Commission noted the following:

- Table 3 BS 9999 Category 3 “fast – fire growth rate” fire specifically excludes “high rack storage”.
- Table 3 BS 9999 Category 4 “ultra fast – fire growth rate” fire specifically includes “high rack storage”.

- Table 4 BS 9999 categorically states that a Category 4 “ultra fast – fire growth rate” category is unacceptable unless a sprinkler system is installed”.



Mick Long

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 25th day of June 2025.