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**Building Control Acts 1990 to 2014**

**Building Control Authority: Fingal County Council**

**Building Control Authority Register Reference Number: FSC/172/24**

**Appeal by** John McKeon care of Maurice Johnson and Partners of The Anchorage, Charlotte Quay, Dublin in relation to the decision made on the 1<sup>st</sup> day of July 2024 by Fingal 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 proposed construction of a 5 to 8 storey apartment development known as Hollytree House, Fosterstown Place, Swords, County Dublin in accordance with plans and particulars lodged with the said authority:

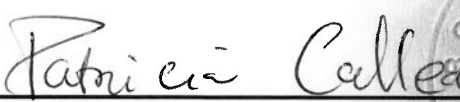
**WHEREAS** the said appeal relates only to condition number 2 attached to the decision of the Building Control Authority:

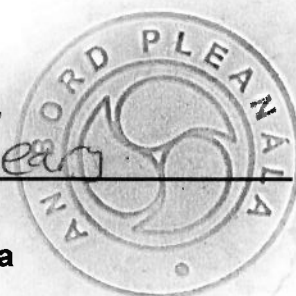
**AND WHEREAS** An Bord Pleanála is satisfied, having regard to the nature of the said conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:

**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**

Having regard to the presented design, 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 is considered that it has been demonstrated by the appellant that the provision of a commercial sprinkler protection system at basement level (car park) 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. Therefore Condition 2 as originally attached by the Building Control Authority to the Fire Safety Certificate is not necessary.

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



Dated this 19<sup>th</sup> day of May 2025.