

An
Coimisiún
Pleanála

Commission Order
ABP-320588-24

Building Control Acts 1990 to 2014

Building Control Authority: Fingal County Council

Building Control Authority Register Reference Number: FSC/212/24

Appeal by John McKeon care of Maurice Johnston and Partners of The Anchorage, Charlotte Quay, Dublin in relation to the decision made on the 24th 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 the construction of a seven storey apartment development including an undercroft car park known as Block B at Boroimhe Willows, Swords, County Dublin in accordance with plans and particulars lodged with the said authority:

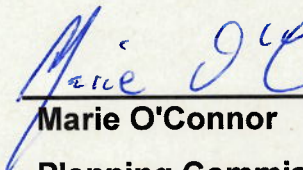
WHEREAS the said appeal relates only to condition number 2 attached to the decision of the Building Control Authority:

AND WHEREAS An Coimisiún Pleanála is satisfied, having regard to the nature of the said condition, 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 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

Having regard to the presented design of the new residential building and the accompanying technical compliance report, 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 Commission was satisfied, by reference to the appellant's chosen basis for design BS 1991:Part 1:1990, that the Building Control Authority be directed to remove condition number 2 and the reason therefor. The Commission was further satisfied that, subject to the removal of condition number 2, it has been demonstrated that the subject works, if constructed in accordance with the design presented with the application, would comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997, as amended, subject to the retention of the remaining 17 number conditions attached to Fire Safety Certificate FSCC 212/24 by the Building Control Authority.


Marie O'Connor

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

Dated this 14 day of July 2025.