

Building Control Acts 1990 to 2014

Building Control Authority: Donegal County Council

Building Control Authority Register Reference Number: FSC/24/163

Appeal by Deramore Investment Holdings Limited of 7 Fitzwilliam Street Lower, Dublin in relation to the decision made on the 24th day of March, 2025 by Donegal 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 a fire safety certificate for a single storey retail unit, to include bulk store, ancillary offices, staff facilities, cage marshalling area, bin storage, and service yard, all at single storey retail unit PG (4a) and storage PG (7a), Milltown, Donegal Town, County Donegal in accordance with plans and particulars lodged with the said Council.

WHEREAS the said appeal relates only to condition number 5 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 attach condition number 5 and the reason therefor.

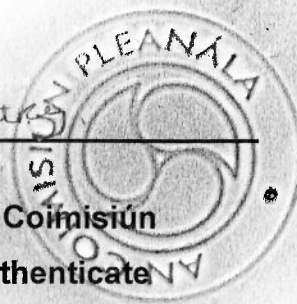
Reasons and Considerations

Having regard to the fire safety certificate application and the appeal, it is considered that the Deposit Return Scheme room is an ancillary room requiring fire separation from the remainder of the building in accordance with Clause 15.2 and Table 11 BS 5588-11:1997 (while withdrawn, is still referenced in TGD:B and, therefore, continues to be of relevance and is referenced by the applicant/appellant in the appeal documentation) on the basis that the room may constitute a place of special fire risk within the meaning of Technical Guidance Document B 2006 (reprinted 2020) (TGD:B) and BS 5588-11:1997. Accordingly, the Commission decided that the Building Control Authority be directed to attach condition number 5 and the reason therefor to demonstrate compliance with Part B of the Second Schedule of the Building Regulations 1997, as amended, specifically Section B1: Means of Escape in Case of Fire and Section B3: Internal Fire Spread (Structure).



Patricia Callear

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



Dated this 02 day of December 2025.