

An Bord Pleanála



BUILDING CONTROL ACTS, 1990 TO 2014

Dublin City

Building Control Authority Register Reference Number: FA/16/1128/REG

An Bord Pleanála Reference Number: 29B.FG.0017

APPEAL by Grand Canal Quay Partnership care of Jeremy Gardner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 7th day of June, 2016 by Dublin City Council to grant subject to conditions a regularisation certificate under section 6 (2)(a)(vii) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of material alteration: as per the previously approved fire safety certificate (reference: FA/03/1733) an L1 fire alarm and detection system was proposed for the entire building. However, an L2/L3 fire alarm and detection system was installed at basement level. A regularisation fire safety certificate is required for the changing of the current fire alarm and detection system at basement level at Gallery Quay, residential and retail development, Grand Canal Quay, Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

WHEREAS the said appeal relates to condition number 2 attached to the decision of the said 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, 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 remove the said condition number 2 and the reason therefor.

REASONS AND CONSIDERATIONS

The Board considered that an L1 type alarm system is not required under current codes and that the building is not unduly complex to the extent that the inclusion of such a system would be warranted as mitigation in respect of undue complexity. The Board further considered that, having regard to the submissions on file and to the report of the inspector, the building would reach a satisfactory level of compliance with Part B1 (Means of Escape in Case of Fire), of the Second Schedule of the Building Regulations 1997 to 2014 without the attachment of condition number 2.

In deciding not to accept the inspector's recommendation to consider the appeal de novo and to refuse the regularisation certificate, the Board considered that a satisfactory level of safety could be ensured by the use of an L2/L3 fire alarm system in those areas of the basement covered by the regularisation certificate applied for.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Building Control Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

Dated this day of 2016.