

# An Bord Pleanála



BUILDING CONTROL ACTS, 1990 TO 2014

## Meath County

**Building Control Authority Register Reference Number: FS/16042**

An Bord Pleanála Reference Number: 17.FS.0537

**APPEAL** by Nua Healthcare Services care of Ace Fire Engineering Consultants of 77 College Park, Newbridge, County Kildare in relation to the decision made on the 20<sup>th</sup> day of May, 2016 by Meath 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 modification of condition number 4 (relating to water supply available to the fire service) attached to previously granted Fire Safety Certificate (Meath County Council Register Reference number FS/15008) for works involving the material change of use from single family dwelling to residential care facility with associated material alterations at Ardbrae, Athboy, County Meath in accordance with plans and particulars lodged with the said authority:

**WHEREAS** the said appeal relates only to condition number 4 attached to the decision of the Council:

**AND WHEREAS** An Bord Pleanála is satisfied, having regard to the nature of the said condition, 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 amend the said condition number 4 so that it shall be as follows for the reason set out:

4. A static water storage facility of at least 35,000 litres shall be provided for fire services. The design and location of this water storage facility shall be agreed with the Fire Authority prior to the commencement of construction on site.

**Reason:** To comply with Part B5 of the Second Schedule to the Building Regulations 1997 to 2014.

### **REASONS AND CONSIDERATIONS**

Having regard to the form and layout and use of the building, to the submissions lodged in association with the submitted Fire Safety Certificate application and the appeal and to the report and recommendation of the reporting Inspector, it is considered that condition number 4, as amended, is necessary to achieve compliance with Part B5 (Access and Facilities for the Fire Service) of the Second Schedule of the Building Regulations 1997 to 2014.

In deciding not to agree with the Inspector to remove condition number 4, the Board considered that based upon the firefighting requirement of the Fire Authority and the residential population of the facility there is a requirement for a minimum of 35,000 litres of static water storage.

### **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.

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

**Dated this            day of            2016.**