



An
Bord
Pleanála

**Board Order
04.RD.0027**

Building Control Acts, 1990 to 2014

Planning Authority: Cork County Council

Building Control Authority Register Reference Number: BDR/13793

APPEAL by ESB Networks of Leopardstown Road, Foxrock, Dublin in relation to the decision made on the 26th day of June, 2017 by Cork County Council to refuse a dispensation from the requirements of Parts M1, M2 and M3 of the Second Schedule to the Building Regulations, 1997 to 2017 under section 4 of the Building Control Act, 1990 and 2007 in respect of the new control building at Aghada 220kV Substation, Aghada, Ballinacarroonig, Whitegate, County Cork in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the powers conferred on it by section 7(2) of the Building Control Act, 1990, An Bord Pleanála hereby allows the appeal and directs the Building Control Authority to grant a dispensation from the requirements of Parts M1, M2 and M3 of the Second Schedule to the Building Regulations, 1997 to 2017, based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to:

- (a) the specific nature, function and use of the building concerned, namely an unmanned control building within an electrical substation compound, which would be accessed infrequently by authorised trained personnel in order to carry out maintenance or emergency response,
- (b) the location of the control building within a secure ESB Networks substation compound where authorised personnel accessing the building would be familiar with the approach routes, and
- (c) the legislative context and supporting guidance contained in Technical Guidance Document M - Access and Use (2010) with respect to the circumstances within which a dispensation might be appropriate,

it is considered that the granting of a dispensation from the requirements of Part M of the Second Schedule to the Building Regulations, 1997 to 2017 is appropriate in this case.

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
2017**