



CHARTERED TOWN PLANNERS  
PLANNING AND DEVELOPMENT CONSULTANTS

2 CONNAUGHT PLACE, CROFTON ROAD,  
DUN LAOGHAIRE, COUNTY DUBLIN, IRELAND

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18<sup>th</sup> August 2021  
The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1

**Date of S5 decision:** 22<sup>nd</sup> July 2021  
**Planning Authority:** Galway City Council  
**Planning Application Reference No:** P/DC/3/15/21  
**Location:** Capital Kebabs, Eglinton Court, Eglinton Street, Galway

**Applicant:** Eglinton Co-Ownership, Baggot Hall, 41 Baggot St Lower, Dublin 2

**Section 5 Reference for a declaration that:**

**Removal of existing extract duct and existing air handling units at ground level and the installation of new carbon filtration unit at ground level to rear of Capital Kebabs and extract through existing vertical shaft and all ancillary mechanical and electrical works.**

Comprises development and is exempt development under Section 4(1) h of the Planning and development Act 2000 as amended.

**Appellant:** Eglinton Co-Ownership, Baggot Hall, 41 Baggot St Lower, Dublin 2

Dear Sir

We act on behalf of Eglinton Co-Ownership, Baggot Hall, 41 Baggot St Lower, Dublin 2, the owner of the property, Capital Kebabs, Eglinton Court, Eglinton Street, Galway.

We hereby submit the following appeal against the decision of the Planning Authority in respect of the S5 referral for a declaration above.

We enclose the relevant amount of €220 in payment of the S5 referral appeal fee.

We enclose cover letter and plans from Daniel Melia Engineering Consultant as Appendix 1

Any correspondence in respect of this appeal should be sent to the offices of Reid Associates, 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin.

<b>AN BORD PLEANÁLA</b>	
LDG-	<u>042658-21</u>
ABP-	_____
18 AUG 2021	
Fee: €	<u>220</u> Type: <u>cheque</u>
Time:	<u>11:56</u> By: <u>hand</u>

## **GROUNDS OF APPEAL**

### **Preamble**

The works the subject of this Section 5 Declaration are being proposed to satisfy fire safety requirements of the Chief Fire Officer for Galway, which arose as a legacy compliance issue from the previous owners of the property.

Our client has at all times engaged with the Fire officer and has completed all of the necessary remedial fire safety works to date save for the works the subject of this Section 5 Declaration.

The subject works are necessary to render the extraction from the Capital Kebabs kitchen compliant with the Fire Safety requirements of the Planning Authority. The reason for the delay in this regard was that it was difficult to find an alternative route for the extractor duct from the kitchen other than the existing route, which crosses the common fire safety corridor.

The proposed location of a carbon treatment filtration unit at ground level treats the grease and odour reducing the volume of air to be extracted to roof level and consequently removal of an existing redundant extractor duct from the existing vent shaft on the roof (permitted in 1989) shaft 2 on the plan allows the duct extraction from Capital Kebabs kitchen to be routed directly vertically through this permitted existing shaft (2).

### **1 Background Context and planning history**

Planning permission was granted in 1989, (Pl. Ref. 89/678), for Eglinton Court which comprised a series of six ground floor shops and overhead apartments. We understand shaft 2 was constructed in accordance with planning ref. no 91/314.

In 2001 permission was granted for ventilation plant and ducts and a further permission was granted in 2006 for retention and alterations of ventilation system pl ref. 06/41.

The 2006 permission for the ventilation plant was for a period of 5 years unless a further permission for the development was granted as set out in condition 2. The reason for the condition was to assess the effectiveness of the equipment. However it is important to note that the construction of the extractor duct and shaft in accordance with this permission was never implemented.

In 2020 our client purchased the property from the receiver Mazzars and there were a number of outstanding issues in contention in regard to the ventilation flue and Fire safety compliance.

In particular the Fire Officer was concerned that the existing internal extract ventilation flue crossed the common Fire escape corridor for several of the properties giving rise to Fire Safety concerns and issued notice to our clients in this regard.

The existing kitchen extract from Capital Kebabs discharges:

- horizontally through the rear left wall of Capital Kebabs,
- into the protected shared fire escape corridor,
- runs horizontally underneath the first floor
- and then turns vertically into a blockwork shaft in McSwiggans (Shaft 1).
- This duct discharges above roof level and is currently in use.
- (Drawing No. 07/2021/03).

This extract duct formed part of the retention application in 2006 (06/41) and 2000 (00/716). Please refer to Appendix 1 Letter dated 16<sup>th</sup> August 2021 from Daniel Melia Engineering, which sets out the progress in securing compliance with the Fire Safety Certificate issues in the context of the background planning history.

The Chief Fire Officer issued notice to our client's requiring works to revise the kitchen extract ducts for Capital Kebab to provide for compliance with the Building Regulations to ensure 1 hour fire separation between units horizontally and vertically.

In response to the Chief Fire officers concerns this issue, which was a legacy issue from the previous owner and receiver was addressed from first principles and our client's appointed fire consultants and liaised with the Chief Fire Officer.

On review of the effectiveness of the existing ventilation plant it was decided that a carbon ventilation system would be more effective and less intrusive. In summary the equipment in the kitchen in the Capital Kebabs unit is to be reduced and an odour suppressant and carbon filtration system is proposed to be installed within the kitchen undercroft enclosure which will trap all grease and smells, thus by the time the air leaves the unit it will be clean and odour free.

This allows for a redesign of the extraction ventilation duct route from the Capital Kebabs kitchen. It is proposed that the existing redundant ventilation duct in the existing shaft 2 is removed and this allows space within the existing ventilation shaft to accommodate the proposed extractor duct for the Capital Kebab kitchen to be vented directly up within the existing shaft 2. It allows for the removal of the extractor ventilation duct in the common fire escape corridor thereby eliminating a potential fire hazard as identified by the Chief Fire Officer.

The proposed removal of the existing extract duct (from Capital Kebabs) in the common fire safety corridor and the proposed rerouting of the extractor duct directly overhead in the existing concrete shaft 2 satisfies the Fire Officer's concerns in regard to fire safety. A new steel duct is to be inserted in the existing ventilation shaft 2 to the rear of the property beside the stairwell. This ventilation shaft 2 was constructed in accordance with planning ref. no 91/314. The proposed duct will be 1m above the existing flat roofline, but below the roof parapet, so that it will not be visible from ground level or from the apartments. Please see drawing 07/2021/6.

The proposed removal of the existing duct from the concrete shaft 2 and the resultant reduced volume of required air due to the carbon treatment of grease and odours means that there will be sufficient room in the original shaft constructed in 1989 (which is solid concrete from ground to top) to take the new duct. As the proposed extractor duct will only be expelling and drawing clean air, there will therefore be no need for fire rating. All inspection, cleaning and monitoring of the carbon filters will be done within the unit under the control of Capital Kebabs. This proposed new extractor duct will still be capable of being inspected at the bottom and top and will be completely vertical and straight in direction.

The proposed works therefore are on foot of notice from the Chief Fire Officer and were discussed and approved in principle with the Fire Officer.

## **2 The Planning Authority Decision**

The Planning Authority decision appears to have considered the S5 reference under an entirely different and irrelevant use class of the Planning Regulations 2001, as amended, that is Class 31(k) 5. This class refers to exemption for statutory undertakers to erect telecommunication antennae. This is clearly a fundamental error on the face of the decision.

The substance of the reason for the refusal of the S5 is furthermore unsustainable.

The Planning Authority decision and reason for the decision that the works comprised development which was not exempt refers to the expiry of the 2006 planning permission in 2011 and states that the existing ventilation equipment is unauthorised and that its replacement is de-exempt under Section 9(1)(viii) of the Planning and Development Regulations 2001 which de-exempts alteration of an unauthorised structure. The decision did not specifically refer to the 2006 planning permission. However, as this permission is the only

permission, which expired in 2011, it is logical that the pl ref 06/41 permission is the basis of the reason for refusal and that condition 2 limiting the duration of the permission was relied upon.

Condition 2 of planning reference 06/41, which limited the duration of that permission to 5 years is not a relevant consideration as the 06/41 planning permission was never fully implemented.

The Planning Authority decision reflects a failure to consider that the 2006 planning permission was not in fact implemented and reflects a failure to address the question raised.

It also fails to consider that the existing ventilation duct and plant, which, is in situ is to be removed.

On removal of the existing ventilation extractor duct, which crosses the common Fire Safety Corridor there is no unauthorised structure as the extractor duct would no longer be in existence.

The restrictions on exemption set out in Article 9 of the Planning Regulations do not apply to exempt development under the Planning Act and only apply to development, which seeks exemption set out under Article 6 of the Planning And Development Regulations.

### **3 Assessment**

#### **3.1 The question to be decided:**

The question to be decided is whether the works for Removal of existing extract duct and existing air handling units at ground level and installation of new carbon filtration unit at ground level to rear of Capital Kebabs and extract through existing vertical shaft and all ancillary mechanical and electrical works, comprise development and if so whether such development is exempt either under the Act or under the Planning Regulations 2001 as amended.

#### **3.2 Definition of Development**

The first question to address is whether the works amount to development.

The question of "Development" is defined in Section 3 of the (Planning and Development Act 2000 as

*"(1) In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."*

Section 2 of the Act defines use as follows:

*"Use", in relation to land, does not include the use of the land by the carrying out of any works thereon;*

Because of the definition of "use" in Section 2 these categories almost never overlap – see Finlay, P. in the Viscount Securities 112.ILTR, 17. Because the Scheme of the Planning Acts is so laid out as to be premised on the basis that all activity prima facie requires planning permission it is necessary to examine the legislation to determine if there is a provision which exempts the particular works in this case and any issue arising in relation to use.

I will address the issue of works as no issue arises in respect of use.



### 3.3 Works

#### 3.3.1 Description of the works

The current proposal includes:

- The removal of the section of the existing extract duct, which traverses the shared fire escape corridor and discharges through McSwiggans Shaft 1.
- The removal of the existing redundant duct in Shaft 2.
- The diversion of the extract from the kitchen of Capital kebabs to the rear of Capital Kebabs, to a new carbon filtration unit. The air from the filter unit will be discharged vertically, by means of a duct through the existing Shaft 2 and will terminate approximately 1 metre above the roof level.

This extract duct:

- Will be located entirely within Shaft 2, which has existed (probably) since circa 1991 ref planning ref. no 91/314,
- Will terminate approximately 1m above existing roof level
- Will not discharge above the existing parapet wall, consequently, will not be visible from the apartments or from ground level.

### 3.4 Opinion

In my opinion any alterations to the exterior of the property amounts to the carrying out of works on lands and so qualifies under the first aspect of the definition of "development" set out above. It is necessary to consider whether the works are exempted development for the purposes of the Planning Acts and the Regulations made thereunder.

The Exemptions that relate to the works that may be carried out to a building are set out in Section 4 of the Planning and Development Act 2000 as amended. S.4 (1)(h) generally provides that works for the maintenance, improvement or other alteration within the structure or works, which do not materially alter its external appearance, are exempted development.

*"4.—(1) The following shall be exempted developments for the purposes of this Act—*

*(h) Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;"*

"Works" is defined in Section 2 as including:

"any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure."

"structure"

*means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—*

AN BORD PLEANÁLA

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APP- \_\_\_\_\_

10 AUG 2021

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Time: \_\_\_\_\_ By: \_\_\_\_\_

(a) where the context so admits, includes the land on, in or under which the structure is situate,

The works are clearly necessary for the maintenance and improvement of the structure and are necessary to secure fire safety compliance. In general the works, which are internal are not an issue. The works which are sited externally do not materially affect the external appearance of the structure that is the building, including the roof and the rear yard and are entirely consistent with the external appearance and character of the roof and building structure and rear yard.

The works provide for the removal of the existing plant equipment. This doesn't materially affect the external appearance of the roof structure. The carbon filtration plant is not visible and doesn't materially affect the character of the rear yard, as it is located within an enclosed undercroft. The insertion of the extractor duct in the existing ventilation shaft 2 similarly will not be visible and will not materially affect the external appearance of the roof structure. There is already a significant shaft (1) in place on the roof structure serving McSwiggans and evidence of the location of plant on the roof. There is significant plant and equipment on the roof and the roofs in the vicinity already.

The test as to whether the works comprise exempt development is a test to assess whether the works would:

*materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;"*

In this case the removal of the existing ventilation duct equipment from the roof has a positive benefit.

The proposed new duct is only 1m high and screened from view.

The proposed ventilation duct is not visible from the surrounding ground level and does not materially affect the character of the roof structure, as there is an existing ventilation shaft and stairwell structure in place. It is not inconsistent with the character of the roof or neighbouring roofs where there are numerous similar structures in situ. The parapet screens the duct from public view at ground level. Therefore the proposed works will not *affect the external appearance of the roof so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;"*

The equipment is not generally visible as it is well screened by the parapet to the roof.

In my opinion the works comprise exempted development in accordance with Section 4(1) (h) of the above Act.

The restrictions on exemption set out in Article 9 of the Planning Regulations do not apply to exempt development under the Planning Act and only apply to development which is exempt as set out under Article 6 of the Planning And Development Regulations.

Because the development is exempt under the Planning Act there is no need to investigate the question of exemption under the Planning And Development Regulations.

However notwithstanding, suffice it to say that Class 41(e) of the Second Schedule Part 1 provides that works consisting of or incidental to development:

*"For the carrying out of development in compliance with a condition or conditions attached to a fire safety certificate granted in accordance with Part III of the Building Control Regulations, 1997",*

are exempt. The proposed works comprise development necessary to comply with the requirements of the Chief Fire Safety Officer for the building. We have reviewed the

provisions of Article 9 of the Planning and development Regulations 2001 as amended and there are no criteria set out within the relevant article which would de exempt the development as the removal of the existing extractor duct obviates any unauthorized works or structure. The proposed works comprise new works and are not affected by conditions of any prior permission.

#### 4 Concluding Statement

The works comprise development under the Planning Act 2000 as amended.

We hereby submit that the proposed works are minor in nature as they are not visible as the carbon filtration plant is located in an enclosed undercroft and the extractor duct is located in an existing permitted shaft (2). The removal of the existing redundant duct will have no material impact.

The works come within the terms of Section 4(1) h of the Planning Act 2000 as amended as they do not materially affect *the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*"

Furthermore the works comprise development incidental to secure a fire safety upgrading for the property and are consequently also exempt under Class 41(e) of the Planning and Development Regulations 2001 as amended.

Yours sincerely,

  
Ann Mulcrone

<b>AN BORD PLEANÁLA</b>	
LDG- _____	
ASP- _____	
<b>18 AUG 2021</b>	
Fee: € _____	Type: _____
Time: _____	By: _____

Fire Station,  
Fr. Griffin Road,  
Galway.

An Stáisiún Dóiteáin,  
Bóthar an Athar Uí Ghríofa,  
Gaillimh.



Telephone: (091) 570900  
Fax: (091) 588342  
E-Mail: fireservices@galwaycoco  
Web: www.gaillir  
www.galway.ie

COMHAIRLE CHONTAE NA GAILLIMHE  
GALWAY COUNTY COUNCIL

Seirbhís Dóiteáin

Eglinton Court Management Company Ltd, *Fire Service*  
C/O Sally Keane/Tommy Morris  
The Office,  
Eglinton Court  
Woodquay  
Galway.

A Chara,

Re: Eglinton Court Apartments and Commercial Units.

The Eglinton Court Building Complex containing McSwiggan's, Capital Kebab (*and various other premises including the apartments*) was visited on the 26/5/2020 by an officer of the Fire Authority. Please identify which areas you have control over and which areas you have no control over and who retains control of those areas.

The Fire Authority must inform you that:

1. A metal gate and metal partition have been installed outside the existing Final Exit from the common service/escape corridor into the rear yard of Eglinton Court. The ground floor corridor serves various premises and is required as an alternative escape route from the commercial units and must be kept clear of all debris and be provided with Final Exits which are easily identifiable in accordance with Section 1.4.3 of Technical Guidance Document B of the Building Regulations with the appropriate signage and must be provided with panic bolts in accordance with IS EN 1125 (or have no locks fitted). **Exits cannot be modified or reduced in width without a Fire Safety Certificate being obtained prior to the works.** The gates should be removed immediately and previous Fire Safety Certificates for the building should be reviewed particularly Fire Safety Certificate 2004/191 which relates to McSwiggans for compliance, prior to making an application.
2. The area between the new metal gate/partition and the original Final Exit is being used for bin storage. This is not acceptable on an escape route and the bins should be relocated **immediately.**
3. There is insulation attached to the underside of the floor of the first floor apartment over this area (*between the new gate and the original Final Exit currently being used as a bin store*). The external façade of a building used for flats and places of assembly should have a surface spread of flame classification of **Class 1 (or Class C-S3D2 European)** within 10m of ground level. It is unlikely that this insulation meets this requirement and you should get a suitably qualified person to assess the insulation and advise you how to meet the requirements of Technical Guidance Document B of the Building Regulations and they are to provide details of proposals to the Fire Authority **within 2 weeks.**



4. There is an outstanding issue in relation to the kitchen extract duct from one or more commercial units. Kitchen extract ducts are to be fully compliant with Technical Guidance Document B and EN 15871 for kitchen extracts. (The unit previously operated by Eddy Rockets is closed but any new tenant must verify that the kitchen extract is compliant prior to operation). *Various proposals have been made for Capital Kebab but none have fully satisfied the requirements of the Building Regulations.* Agreement should be sought with the stakeholders and the Fire Authority as to how to meet these requirements.
  
5. Overall, there should be 1 hour Fire separation between units horizontally and vertically by compartment floors and walls with the appropriate fire stopping and intumescent collars on pipework. The enclosure of the common corridor should be re-inspected by a suitably qualified person to assess the situation and advise you how to meet the requirements of the building regulations as there is currently some damage. All openings for pipes must be firestopped and collared where necessary and any ventilation openings must be provided with fire alarm activated fire and smoke dampers linked to the Fire Alarm System in accordance with BS 5588: Part 9. The Fire Authority should be informed of the schedule for any works being carried out.

Due to the seriousness of the above issues a response in writing should be made by you to the Fire Authority within 2 weeks from the receipt of this letter.

Your response should clarify which areas are under your control and should contain any proposals to remedy the problems in the areas under your control and the proposed schedule for any planned works.

Failure to carry out the necessary work may result in The Fire Authority instigating legal proceedings against you under Section 18(2) of the Fire Services Acts of 1981 and 2003, in the District Court under the Fire Services Act 1981 which could lead to fine (or possible imprisonment) upon conviction in the District Court.

If any of these areas are under your control the Fire Authority must inform you that **the deficiencies highlighted above may pose a serious fire safety risk to the public and should be dealt with immediately.**

Your technical advisor should provide a schedule of works to remedy the above issues and subsequently provide a Certificate of Compliance with the Fire Safety Requirements of the Building Regulations upon completion of the works.

**UNFORD PLE ANALA**

LDG: \_\_\_\_\_  
 ADP: \_\_\_\_\_  
 18 AUG 2021  
 Fee: € \_\_\_\_\_ Type: \_\_\_\_\_  
 By: \_\_\_\_\_

Under Section 18(2) of the Fire Services Acts of 1981 and 2003, "It shall be the duty of **every person** having control over premises to which this section applies to - (a) take all reasonable measures to guard against the outbreak of fire on such premises, (b) provide reasonable fire safety measures for such premises and prepare and provide appropriate fire safety procedures for ensuring the safety of persons on such premises, (c) ensure that the fire safety measures referred to in paragraph (b) are applied at all times, and (d) ensure, as far as is reasonably practicable, the safety of persons on the premises in the event of an outbreak of fire whether such an outbreak has occurred or not."

You should also provide include copies of up to date certification for all issues related to Fire Safety (such as Fire Alarm System, Extinguishers, Emergency Lighting, Gas, Electricity, Ansul Systems, Ventilation Systems, Linings and Furnishings as appropriate) for the building.

Mise, le meas,

pp Joe Connelly

Gerard O'Malley,  
Chief Fire Officer.

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*Faint handwritten text, possibly a name or title.*

*Faint handwritten text, possibly a date or reference number.*

Ref No.: 07/2021

16<sup>th</sup> August 2021

Ann Mulcrone BSc(Surv) DipEE MPhil(UDRP) MIPI,  
Managing Partner,  
Reid Associates,  
2 Connaught Place,  
Crofton Road,  
Dun Laoghaire,  
County Dublin.

**Re: Fire Safety and planning details: -  
Eglinton Court, Galway**

Dear Ann,

I refer to your request for a summary report in relation to the Planning and Fire safety details at Capital kebabs. I attach revised drawings and have labelled Shaft 1 and Shaft 2, for ease of reference.

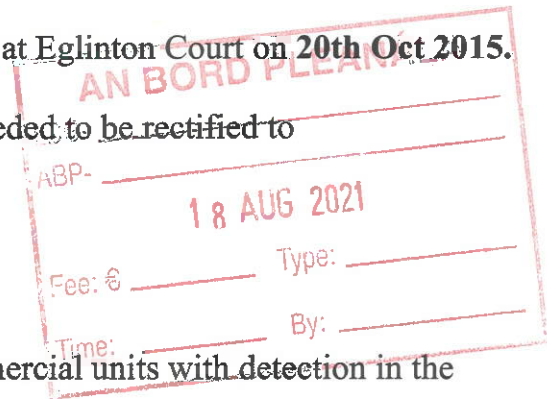
#### Background

I met with Joe Connolly, Assistant Fire Officer at Eglinton Court on **20th Oct 2015**.

Joe Connolly identified several items which needed to be rectified to comply with the Fire Office requirements.

These included:

- Fire stopping in the fire escape corridor.
- Lack of an integrated fire alarm in commercial units with detection in the enclosed lane.
- Lack of adequate fire separation between the enclosed lane and the units
- Doors into the enclosed lane not 1-hour fire rated
- Cables/ conduits not protected within enclosed lane
- Emergency lighting not adequate in the enclosed lane
- Inadequate signage in the enclosed lane
- **No fire protection to Ducts (including the duct serving Capital Kebabs).**



## **Works.**

John Mooney & Co. Ltd were engaged to draft the scope of works, prepare tender documents and carry out periodic inspections during the works.

The works commenced in December 2016 and were completed in August 2017.

The regularizing of the duct from Unit 3 (Capital Kebabs), which traverses the fire escape corridor, could not have been carried out at that time (a suitable alternative route could not be found at that time).

## **Sign Off and Inspection by Galway City Fire Officer.**

Following the completion of the works in the fire escape corridor, the fire officer re-inspected the area and was satisfied that the works addressed his requirements, except for the regularization of the extraction ducts from Units 3 (Capital kebabs).

## **Extract duct details.**

The existing kitchen extract from capital kebabs discharges:

- horizontally through the rear left wall of capital kebabs,
- into the protected shared fire escape corridor,
- runs horizontally underneath the first floor
- and then turns vertically into a blockwork shaft in McSwiggans (Shaft 1).
- This duct discharges above roof level and is currently in use.
- (Drawing No. 07/2021/03).

This extract duct formed part of the retention application in 2006 (06/41) and 2000 (00/716).

The Planning section of the Local Authority requires the removal of this duct (and the redundant duct in Shaft 2).

The fire officer has raised two significant issues in relation to the section of the duct which traverses the shared fire escape corridor and then enters McSwiggans shaft (Shaft 1):

1. The existing duct is not fire rated in the fire escape corridor - **it must be.**
2. The vertical duct shares the shaft in McSwiggans (Shaft 1) with other services - **the unprotected duct cannot share a shaft with other services.**

Following site investigations, it was concluded that it was not reasonably practical, to remove the other services from the McSwiggans Shaft 1; therefore, it was necessary to relocate the Capital Kebab's extract duct.

There is a second vertical shaft (Shaft 2) immediately to the rear of capital kebabs and accommodates several services including a redundant duct, which discharges above roof level. This existing shaft 2, is likely to have been constructed at the time the original development took place (Pl. Ref. 89/678).

After considerable site investigation the redundant services were removed from the shaft 2, except for the no redundant extract duct.

The mechanical and electrical engineer advised that this existing shaft 2, will accommodate a new duct from Capital Kebabs.

#### **Proposed duct details.**

The proposals to relocate the duct were discussed with and approved by the Fire Officer - see attached letter from John O'Shaughnessy (Fire Safety Consultant).

The current proposals include:

- The removal of the section of the existing extract duct which traverses the shared fire escape corridor and discharges through McSwiggans Shaft 1.
- The removal of the existing redundant duct in Shaft 2
- The diversion of the extract from the kitchen of Capital kebabs to the rear of Capital Kebabs, to a new filtration unit. The air from the filter unit will be discharged vertically, by means of a duct through the existing Shaft 2 and will terminate approximately 1 metre above the roof level.

This extract duct:

- Will be located entirely within Shaft 2, which has existed (probably) since the construction of the original development,
- Will terminate approximately 1m above existing roof level
- Will not discharge above the existing parapet wall, consequently, will not be visible from the apartments or from ground level.



**Planning Permissions.**

Galway City Council granted permission to retain and make alterations to existing extraction/ventilation system to include construction of stack to rear and retention of gas storage compound to rear yard. (06/41).

This was a five-year permission an expired in 2011. A similar grant of permission was made in 2001 (00/716). The retention permission included both the existing ducts in Shaft 1 and the existing redundant duct, in Shaft 2.

The permission included a requirement to construct a 6.5M shaft above roof level. This work was not carried out. The existing ducts are, as they were, prior to the 2006 and 2000 planning applications.

Both existing ducts (in Shaft 1 and Shaft 2) will be removed.

Our works related to an entirely new duct to be in Shaft 2.

Should you require any further information, please do not hesitate to contact me.

Yours Sincerely,



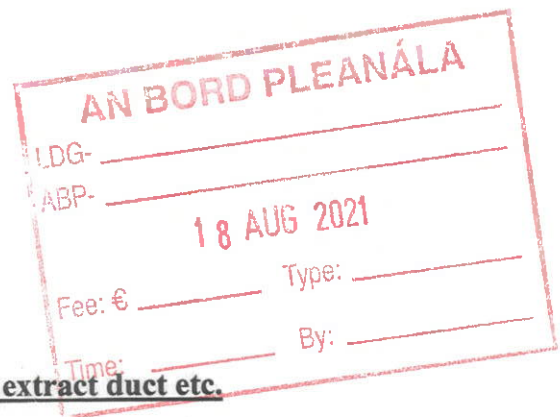
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Daniel Melia, B.eng., C.eng., M.I.E.I.,  
**Encls.**

**JOHN O' SHAUGHNESSY**  
**FIRE ENGINEERING CONSULTANCY LTD.,**  
**3 DR MANNIX DRIVE,**  
**SALTHILL, GALWAY.**  
**Tel: 091 529533/ 087 2411213**  
**e-mail [johnosh@eircom.net](mailto:johnosh@eircom.net)**

08-06-21

**D. Melia Consulting Engineer,**  
**Collinamuck,**  
**Rosscahill,**  
**Co. Galway**  
**H91 WCP8.**



**Re.: Capital Kebabs, Eglinton Street, Galway – Kitchen extract duct etc.**

**Dear Daniel,**

**Further to my recent inspection at the building I have listed my comments hereunder:**

- 1. I have discussed duct installation, passageway exit gate, ceiling finish with Mr. Joe Connolly, Galway Fire Service and he is in agreement with recommendations I have include hereunder.**
- 2. The Duct + grease extraction system is to include 1hr fire resisting enclosure at ground floor level (incl. FD 60S door-set). Walboard joints to be taped/ jointed each side (intumescent mastic if necessary). Enclosure to be taken to concrete floor + fire stopped over full width – remove any existing insulation.  
If doubt exists re. smoke tightness of shaft at upper levels, include heat activated damper at entry to shaft.**
- 3. Min. 12.5mm Class O sheeting to be securely fixed over existing under floor insulation. Joints to be taped and filled, no exposed ends.**
- 4. Existing gate can be retained if green break glass unit prominent + clearly visible “Break glass to open gate” sign displayed.  
Confirm that mag lock is also connected to the fire alarm system and operation is included in fire alarm system contract.**
- 5. “Fire exit keep clear” signs to be displayed in passageway.**
- 6. Keep photographs, certificates.**

**Please do not hesitate to contact me if you have any queries relating to this matter.**

**Yours sincerely,**

A handwritten signature in black ink, appearing to read 'John O' Shaughnessy', with a long horizontal flourish extending to the right.

**John O' Shaughnessy.**