



An  
Coimisiún  
Pleanála

**Direction**  
**CD-021539-25**  
**ACP-323530-25**

The submissions on this file and the Inspector's report were considered at a meeting held on 09/12/2025.

The Commission decided by a majority of two to one to refuse the appeal, generally in accordance with the Inspector's recommendation, the draft Order below and for the reasons and considerations set out.

**Planning**

**Commissioner:**

*Eamonn James Kelly*

**Date:** 10/12/2025

Eamonn James Kelly

## **DRAFT WORDING FOR ORDER**

**WHEREAS** the said appeal relates to condition number 1 attached to the decision of the said Building Control Authority:

**AND WHEREAS** An Coimisiún Pleanála is satisfied, having regard to the nature of the said conditions, 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, 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 attach the said condition number 1 and the reasons therefor.

### **Reasons and Considerations**

Having regard to the presented design for the construction of the warehouse and ancillary offices, to the submissions made in connection with the Disability Access Certificate application and the appeal, and to the report and recommendation of the reporting Inspector, it is considered that Condition number 1 as originally attached by the Building Control Authority to the disability access certificate is reasonably necessary to satisfy the requirements of Part M. The Commission concluded with respect to this condition that it has not been demonstrated by the first party/appellant in the disability access certificate application and appeal documentation that the provision of "a goods platform lift with attendant", would be compliant with Regulation M1 to the Building Regulations 1997 to 2024 and specifically with Sections 0.2 (The Requirements) and 0.3 (Buildings Other than Dwellings) of TGD M 2022, such as to ensure that people can safely and independently approach, gain access and use a building, its facilities and environs and that people can circulate within the building and use the building's facilities. The Commission is therefore satisfied that it would be appropriate to retain Condition number 1 in the granted Disability Access Certificate.