

An  
Bord  
Pleanála

Board Order  
ABP-316262-23

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**Building Control Acts 1990 to 2014**

**Building Control Authority: Wexford County Council**

**Building Control Authority Register Reference Number: DAC2300490WX**

**Appeal** by Pat Clancy care of Maurice Johnston and Partners of The Anchorage, Charlotte Quay, Dublin in relation to the decision made on the 14<sup>th</sup> day of March, 2023 by Wexford County Council to grant subject to conditions a disability access certificate under section 6 (2)(a)(ix) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of the construction of an apartment block Units 1A and 1B at Fort Road, within the townlands of "Ballown or Ramsfortpark" and "Gorey Corporation Lands", Gorey, County Wexford 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 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:

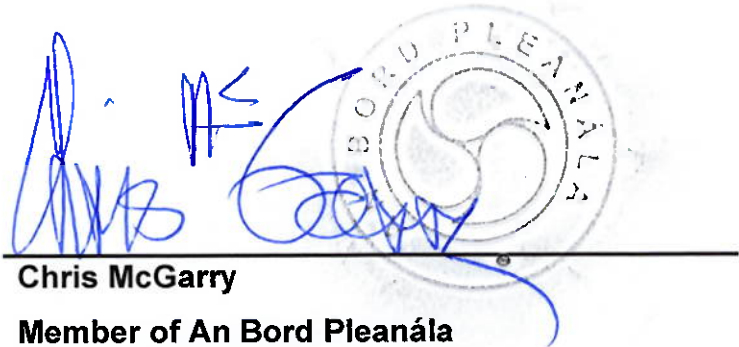
**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act, 1990, as amended by section 6 of the Building Control Act 2007, and by Article 40 (2) of the Building Control Regulations, 1997, and based on the Reasons and Considerations set out below, hereby directs the said Building Control Authority to remove the said condition number 2 and the reason therefor.

## **Reasons and Considerations**

Having regard to the provisions of the Building Regulations 1997, as amended, including Part M of the second schedule attached to the Regulations, to the nature and layout of the proposed works and the submissions made in connection with the Disability Access Certificate application and appeal, and to the guidance set out in Technical Guidance Document M (Access and Use) 2010, it is considered that the works to which the application and appeal relates would, if constructed in accordance with the plans, calculations, specifications and particulars submitted, and subject to compliance with condition number 1 as set out in the Disability Access Certificate dated 14th March 2023, comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended.



In arriving at its decision to omit condition number 2, the Board determined that all relevant obligations of Part M related to the development are sufficiently captured in condition number 1 and that condition number 2 is not necessary by reference to the duplex units which form the subject of this Disability Certificate Application.

A handwritten signature in blue ink is written over a circular stamp. The stamp contains the text "AN BORD PLEANÁLA" around the perimeter and a stylized logo in the center. The signature is written in a cursive, flowing style.

**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 2<sup>nd</sup> day of May 2024.