



An
Bord
Pleanála

Board Order ABP-320933-24

Planning and Development Acts 2000 to 2022

Planning Authority: Wexford County Council

Planning Register Reference Number: DRV2405243WX

Appeal by William Neville and Sons Construction care of SOL of Staples Owley Limited, Unit M1, Wexford Enterprise Centre, Kerlogue, County Wexford against the decision made on the 28th day of August, 2024 by Wexford County Council to refuse permission for development comprising Revised Disability Access Certificate for proposed extensions and internal material alterations to previously approved hotel and leisure centre building, incorporating all ancillary alterations to the site layout at Ravenport Resort, Kilmacoe, Curracloe, County Wexford in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for the Revised Disability Access Certificate (except in relation to the removal of Lift number 4 from Stair core number 1) in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for alterations as proposed comprising the removal of Lift number 4 from Stair core number 1 based on the reasons and considerations marked (2) set out below.

Reasons and Considerations (1)

Having regard to the Building Regulations 1997, as amended, including the Second Schedule, Part M attached to the Regulations, to the nature and layout of the proposed works and material alterations and to the submissions made in connection with the revised Disability Access Certificate application and appeal by both the appellant and the Building Control Authority, and to the guidance set out in the relevant Technical Guidance Document Part M (Access and Use) 2010, it is considered that the works and material alterations to which the application relates, would if constructed in accordance with the plans, calculations, specifications and particulars submitted, and subject to compliance with the conditions as set out below, comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended. In carrying out a de novo assessment and arriving at its decision, the Board concluded that the relevant matters that required assessment at appeal stage are those of vertical features, specifically lift and stairs access, which the Board assessed against the requirements set out in Section 1.3.4 (Vertical Features) within Section 1.3 (Circulation within buildings other than dwellings) of Technical Guidance Document, Part M (2010). The Board was satisfied that all other matters pertaining to Part M of the Building Regulations were adequately addressed by the applicant through the documentation submitted with the application and in response to the requests by the Building Control Authority during the course of its assessment. The Board also noted that the Building Control Authority did not raise any other matters in its reason for refusal or in correspondence submitted to the Board at appeal stage.

Conditions

1. The proposed works (extension) and material alterations shall be carried out in accordance with the plans, specifications and other relevant information submitted with the application to the Building Control Authority with the application and further information received by the Building Control Authority on the 14th day of August 2024 and by An Bord Pleanála on the 27th day of September 2024 as amended by conditions hereunder.

Reason: In the interest of clarity.

2. Passenger lifts numbers 1 and 2 as indicated in drawing number 04-08 received by the Board on the 27th day of September 2024 shall comply with Section 1.3.4.2 (Passenger lift details) of Technical Guidance Document Part M 2010 and shall include the specific requirements:

- (i) Lift 1 shall have minimum internal car dimensions of not less than 2000 millimetres wide by 1400 millimetres deep.
- (ii) Lift 2 (proposed to be used exclusively by staff for goods and services only) shall have minimum internal car dimensions of not less than 1100 millimetres wide by 1400 millimetres deep.

Reason: To comply with Part M1 (Access and Use) of Part M of the Second Schedule to the Building Regulations 1997, as amended.

3. Stairs numbers 01, 02 and 03 shall be ambulant accessible stairways in compliance with Section 1.3.4.3 (Internal Stairs suitable for ambulant disabled people) of TGD Part M (2010).

Reason: To comply with of Part M1 (Access and Use) of Part M of the Second Schedule to the Building Regulations 1997, as amended.

Reasons and Considerations (2)

Having regard to the provisions of Part M of the Second Schedule to the Building Regulations 1997, as amended, Second Schedule, Part M, to the nature and layout of the proposed works and to the submission made in connection with the application and appeal, it is considered that the applicant failed to demonstrate that the removal of lift from Stairs 01 enclosure would make adequate provision for people to access and use the building, its facilities and its environs because it results in a layout that

increases travel distances and additional way finding and does not promote inclusive design.

In deciding not to accept the Inspector's recommendation which was not to allow the appeal and to direct the Building Control Authority to refuse the Revised Disability Access Certificate, the Board was satisfied that, having regard to the details submitted to the Building Control Authority during its consideration of the application and to the Board at appeal stage, the works to which the application relates (except in relation to the removal of Lift number 4 from Stair core number 1), would if constructed in accordance with the details presented, adequately meet the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended. Accordingly, the Board reached a different conclusion to the Inspector, in which it decided to allow the appeal and to direct the Building Control Authority to grant the Disability Access Certificate accordingly. The Board did not therefore share the Inspector's reason number 1 that the applicant failed to demonstrate compliance with the requirements of Part M of the Building Regulations.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála duly

authorised to authenticate

the seal of the Board.

Dated this 10th day of April, 2025