

An  
Coimisiún  
Pleanála

Commission Order  
ACP-323530-25

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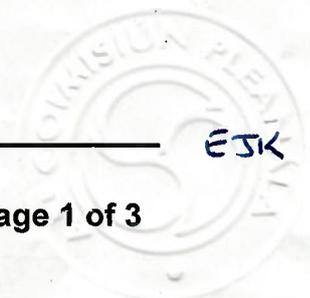
**Building Control Acts 1990 to 2014**

**Building Control Authority: Clare County Council**

**Building Control Authority Register Reference Number: DAC2514342CE**

**Appeal** by David Keating care of O'Neill O'Malley Architecture of Technology House, Galway Technology Park, Parkmore, Galway in relation to the decision made on the 30<sup>th</sup> day of July 2025 by Clare 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 proposed construction of warehouse and ancillary offices at 40-47 Shannon Industrial Estate, Shannon, County Clare in accordance with plans and particulars lodged with the said Building Control Authority

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

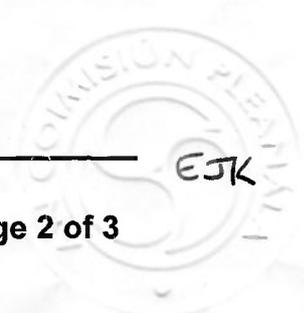


**AND WHEREAS** An Coimisiún Pleanála is satisfied, having regard to the nature of the said condition, that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted:

**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 reason 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 to the Building Regulations 1997 to 2024.



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 Technical Guidance Document 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 Disability Access Certificate granted by Clare County Council under Register Reference Number DAC2514342CE.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this *15<sup>th</sup>* day of *December*, 2025.

