



An
Bord
Pleanála

Inspector's Report

ABP-320933-24

Appeal v Refusal

Appeal v Refusal of a Revised
Disability Access Certificate

Development Description

Proposed Extension 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, Co. Wexford. Y21 WE0V

Building Control Authority Disability Access Certificate application number:

DRV2405243WX

Appellant

Mr. William Neville (William Neville
and Sons Construction)

Agent

Staples Owley Ltd.

Building Control Authority:

Wexford County Council

Inspector

David Whelan

Contents

1.0 Introduction	3
2.0 Information Considered	3
3.0 Relevant History/Cases	4
4.0 Appellant's Case.....	4
5.0 Building Control Authority Case	6
6.0 Assessment	6
7.0 Recommendation.....	8
8.0 Reasons and Considerations.....	8
9.0 Sign off	9

1.0 Introduction

- 1.1. The subject building is a hotel and leisure centre named the Ravenport Resort located at Kilmacoe, Curracloe, Co. Wexford. The subject building is a part two storey and part three building consisting of a lower ground (LG) level. The building has 50 No. bedrooms and dining areas on ground and first floor levels. Leisure centre, spa, staff change and golf facilities are located on the LG. The area of the building is 5020.43sq.m. The building can be accessed from both the ground floor and lower ground floor levels.
- 1.2. The Revised Disability Access Certificate (RDAC) relates to Proposed Extensions and Internal Material Alterations to previously approved hotel and leisure centre building incorporating all ancillary alterations to the site layout.
- 1.3. The application relates to the appeal of a refusal by the Building Control Authority (BCA) to grant a RDAC.

2.0 Information Considered

- 2.1. The information considered in this appeal comprised the following:
 - RDAC Application, DRV2405243, submitted on 12/07/2024 with the following documents and drawings:
 - Revised DAC Compliance Report
 - Planning Pack Map
 - 01-08 Site Location plans (x2)
 - 02-08 Site Layout plans (x4)
 - 03-08 Proposed floor plan – lower ground – floor level (x4)
 - 04-08 Proposed floor plan – ground floor level (x5)
 - 05-08 Proposed floor plan – first floor level (x4)
 - 06-08 DAC details (x2)
 - 07-08 Proposed building elevations (x3)
 - 08-08 Proposed building sections (x2)
 - Further information requested by the BCA on 17/07/2024, 23/07/2024, 08/08/2024.

- Further information received by the BCA on 22/07/2024, 30/07/2024, 14/08/2024.
- Copy of BCA decision and supporting internal report dated 28/08/2024
- Appeal and all associated documents received by the ABP on behalf of the appellant 27/09/2024
- Submissions received by An Bord Pleanála (ABP) from the BCA on the appeal 09/10/2024
- Submissions received by ABP from the Appellant on the appeal 06/12/2024

3.0 Relevant History/Cases

- 3.1. The BCA and Appellant included history of a previous DAC associated with the building, ref. DAC2201942, which was lodged to the BCA on 19/04/2022. This DAC application was subject to a previous ABP case, ref ABP-314174-22. Notably, ABP issued a Board Order which amended Condition Number 2 to the following:

“Lift numbers 1, 2 and 4 shall comply with Section 1.3.4.2 (Passenger lift details) of Technical Guidance Document (TGD) Part M 2010 and shall include the specific requirements:

(a) Lift 1 shall have minimum internal car dimensions of not less than 2000 millimetres wide by 1400 millimetres deep.

(b) Lifts 2 and 4 shall have minimum internal car dimensions of not less than 1100 millimetres wide by 1400 millimetres deep.

(c) Lift 3 (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.”

4.0 Appellant's Case

- 4.1. Staples Owley Ltd. lodged an appeal on behalf of the appellant, dated 27/09/2024. The appellant is appealing the refusal to the Grant of the RDAC. The appeal was received by the ABP on 09/10/2024.

The following is a brief outline of the Appellant's case:

- SOL acknowledged that Condition No. 2, provision of 4 No. passenger lifts, of the previously approved DAC have not been constructed as previously approved by the BCA and noted this was reduced as the building project developed.
- Technical Guidance Document (TGD) Part M does not define the requirement for a specific number of passenger lifts to be provided on the basis of specific parameters in the design and layout of the building. The provision of 1 No. passenger lift for the use of all building occupants complies with the guidance afforded in section 1.3.4.1.1 TGD Part M (2010).
- The appellant's position is that the current siting of the passenger lift in the hotel is suitable for the intended use of the building by residents, staff and the public.
- The passenger lift is located at the start of the bedroom block and provides access to the first floor bedrooms. The first floor contains only one public facility, the Restaurant. This Restaurant is for residents only and in exceptional circumstances as an overflow to the main Public Restaurant area.
- The LG level contains the Leisure Centre facilities for use by residents and public members. The Leisure Centre facility has three approaches depending on the user; Exit 8 which is an external entrance on LG level, Stairs 01 adjacent to the Reception and Lift 1 via the bedroom block. The Golf Centre on LG level does not communicate internally with the overall hotel building and will act independently to that of the main Hotel.
- Stair 4 was initially proposed to be an ambulant accessible stairway in compliance with Section 1.3.4.3 TGD Part M (2010). It now only complies with the guidance afforded in TGD Part K (2014) and TDG Part B. Section 1.3.4.3 TGD Part M (2010) states *"At least one set of stairs suitable for ambulant disabled people should be provided to access all floors above or below the entrance level in a building"* Hence, the provision of 3 no. ambulant accessible stairways (Stairs 01, 02 and 03) complies with the guidance afforded in Section 1.3.4.3 TGD Part M (2010).
- SOL state *"it is evident that it is the opinion of Wexford County Council that travel distances are increased due to the removal of the previously proposed*

Lift 4. It is our contention that this opinion may be mis-informed with regard to how guests and visitors alike are envisaged to utilise the building's facilities”

5.0 Building Control Authority Case

5.1. Below is a summary of BCA case based on information provided at the appeal stage:

- The ABP DAC included 4 No. lifts for the development, this was also conditioned in DAC2201942 as Condition 2. However, the RDAC application only provides 2 No. lifts.
- In the as-built arrangement Lift 4 has been removed from the building therefore extending the circulation distance between floors. The individual/group will have to navigate the residential side of the building to use Lift 1 before arriving at the reception/ bar and lounge area. Lift 4 would have considerably reduced the travel distance.
- Stair Core No. 4 is also in contradiction with Condition 1 of the above granted ABP DAC as it was originally proposed to be an ambulant accessible staircase, while in the revised DAC this is not the case.

6.0 Assessment

6.1. De Novo Appeal

Having considered the drawings, RDAC Application Report, details and submissions on file it is considered that a de novo approach is not warranted. This appeal is against the refusal of a RDAC.

6.2. Content of Assessment

This appeal is against a RDAC. I have reviewed the reasons for the refusal and the grounds of the appeal, and I have considered the drawings, details and submissions on the file. I am of the opinion that there is sufficient information provided to assess whether or not the said works comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997 as amended.

The BCA assessed whether adequate provision has been made for people to access and use the building, its facilities and environs and they concluded that the proposals

did not comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997.

It is clear that the BCA actively engaged with the appellant during the RDAC application process as additional information was requested on numerous occasions. It is acknowledged that the appellant updated the RDAC compliance report in response to such requests.

6.2.1. Compliance with previously Approved Disability Access Certificate

The original granted DAC (DAC2201942) as amended by ABP explicitly included a condition which required 4 No. passenger lifts, including Lift 4, were required to ensure compliance with Section 1.3.4.2 of TGD Part M (2010). The RDAC application (DRV2405243) does not meet this requirement as the quantity of lifts has reduced from 4 No. to 2 No. This reduction is not compliant with the previously established accessibility standards in the granted DAC.

6.2.2. Lift 4 and increased travel distances

The requirements for the provision of a passenger lift within a building is outlined in Section 1.3.4.1.1 TGD Part M (2010) & Section 1.3.4.2 TGD Part M (2010). In Section 1.3.4.1.2 TGD Part M (2010) it is stated: *"In addition to the provision of a passenger lift, at least one internal stairs suitable for ambulant disabled people should also be provided as an alternative means of vertical access."*

Firstly, for many people, a passenger lift is the only practicable means of travelling between storeys in a building. The previous design had a passenger lift adjacent to the reception area via Lift 4. Now individuals, particularly wheelchair users and people with limited mobility, requiring the use of a passenger lift must navigate through the residential section of the building to reach Lift 1 before proceeding to different levels. This results in an extended and unnecessary travel distance. This also involves unnecessary way finding to locate the passenger lift, which is not considered to be best practice nor an inclusive design approach. This does not impact residents travelling to bedrooms as the passenger lift is located at the start of the bedroom block however it does impact residents and public visitors navigating the building to use other facilities on different levels.

While the appellant argues that the current passenger lift arrangement sufficiently serves the building's needs this was not justified by any substantial technical or

accessibility based reasoning. The appellant rather described the particulars of how the building functions with residents and public visitors of the building.

Lifting appliances are an essential amenity for many people, including disabled and older people, people with luggage or with children in pushchairs. An individual requiring to use of a passenger lift should not have to travel an unnecessary distance in comparison to an individual using the stairs. The removal of Lift 4 has resulted in a layout that increases travel distances and does not promote inclusive design.

Furthermore, in the event of the passenger lift requiring maintenance or if the passenger lift is out of order then the building is no longer accessible to an individual requiring the use of a passenger lift. The provision of 2 No. passenger lifts would allow continued access in the event of failure of one passenger lift and would provide adequate provision for people to access and use the building, its facilities and its environs.

6.2.3. **Stair Core 4**

Stair Core No. 4 was originally intended to be an ambulant accessible stair in accordance with Section 1.3.4.3 of TGD Part M (2010). However, in the RDAC submission, it no longer meets such accessibility requirements, now only complying with TGD Part K (2014) and TGD Part B. This change contradicts the previously granted DAC and further reduces the building's overall accessibility. However, the provision of other ambulant accessible stairways (Stairs 01, 02, and 03) does negate the need for Stair Core 4 to comply as initially intended.

7.0 **Recommendation**

- 7.1. I recommend that the Board reject the appeal against the BCA's decision. I recommend that the Board **Refuse** the Revised Disability Access Certificate and therefor for the reasons and considerations set out below.

8.0 **Reasons and Considerations**

- 8.1. 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 works or building to which the application relates, if constructed in accordance with the plans, calculations, specifications and particulars submitted, **fails** to comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended, for the following reasons:

Reason 1

The applicant failed in their RDAC application to demonstrate compliance with Part M of the Second Schedule of the Building Regulations 1997, as amended, that adequate provision shall be made for people to access and use the building, its facilities and its environs.

Reason 2

Removal of Lift 4 has resulted in a layout that increases travel distances, additional way finding, does not account for lift failure and does not promote inclusive design nor does it align with Part M of the Second Schedule to the Building Regulations 1997 as amended. Suitable provision of passenger lifts will enable everyone to access all parts of a building independently.

9.0 Sign off

I confirm that this report represents my professional assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

David Whelan
23.02.2025