



An
Bord
Pleanála

Inspector's Report ABP-306655-20

Development	Conservation and refurbishment of coach house and courtyard and development of craft distillery
Location	Aghadoe House (Protected Structure), Knoppoge, Aghadoe, Killarney, County Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	19/565
Applicant(s)	Killarney Distillers Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Michael Horgan
Date of Site Inspection	3 rd June, 2020
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The 4.8313 hectare site of the proposed development is located within the curtilage and to the north of Aghadoe House, a protected structure, located in woodland to the north of the village of Fossa. The village is situated approximately 5km west of the town of Killarney in County Kerry. The site is accessed at present from Regional Road R563 via Aghadoe House, which is in use as a youth hostel. At the southern end of the site there is a derelict coach house, a two-storey structure that is in ruins, and a number of lean-to buildings. The remainder of the site comprises mixed broadleaf woodland and wet alder/willow/ash woodland. The north-eastern boundary of the site abuts the R563 (Fossa-Milltown) Regional Road and all of the frontage lies within the 60kph zone for Fossa.

2.0 Proposed Development

2.1. The proposed development would comprise:

(a) The conservation and refurbishment of a derelict nineteenth century coach house and adjoining courtyard within the curtilage of Aghadoe House (protected structure), for incorporation and reuse as part of a craft distillery.

This would include:

- the reinstatement of a roof, addition of a glazed canopy to form a covered entrance space and minor alterations to accommodate a reception area, café, restaurant, bar facilities and retail space at ground floor level;
- reinstatement of perimeter buildings within the existing courtyard in place of lost structures to accommodate café, restaurant, bar facilities and mill, and additions to outbuildings to accommodate kitchen, stores, staff facilities and a new electricity substation;
- removal of lean-to structures, timber-framed shed and concrete water tank;
- reinstatement of first floor mezzanine level with attendant stairs and lift to accommodate an ancillary office and visitor sanitary facilities;

- works to conserve, repair and extend the partly demolished stone wall forming the boundary with Aghadoe House, making provision for the preservation of an existing walking route between the nearby R563 road junction and Fossa Primary School; and
- reinstatement of external ground surfaces within the courtyard and forecourt.

(b) Construction of a new still house / multi-purpose event space accommodating distillation process equipment, tasting area, bar facilities, lower ground floor mechanical area, ancillary plant space, distilling staff accommodation, testing laboratory and attendant external storage silos, process vessels, co-product storage vessels, cooling tower, pH balance tank, underground LPG storage, underground firefighting water storage, ancillary site development and landscape works, and preservation of mature and specimen trees.

(c) Construction of a new maturation storage building, including cask filling and disgorging facilities, bottling station and all ancillary site development and landscape works.

(d) Construction of a new entrance and internal roadway from the R563 within the woodland to provide sole vehicular access to the site, with attendant lighting, signage, gate and landscaping works and provision of associated car, bicycle and coach parking. Conservation and management of semi-mature woodland, including reinstatement of nineteenth century landscape features and provision of access to neighbouring woodlands.

2.2. The application details indicate that the floor area of existing buildings on the site total 381 square metres and that 92 square metres of gross floor space is to be demolished. The gross floor area of the proposed works would be 1,404 square metres. The scheme would provide 36 car parking spaces, one wheelchair accessible car space, one coach space, and 10 bicycle spaces. The development would be served by mains water and sewerage facilities.

2.3. Details submitted with the application included a Covering Letter, a letter of consent from the landowner permitting the making of the planning application, an Architectural Report, a Conservation Strategy Report and Architectural Heritage Impact Statement, an Archaeological Impact Assessment Report, a Technical

Engineering Report, an Ecology Report, an Appropriate Assessment Screening, a Road Safety Audit, a Tree Survey and Report, a Distillation Process Report, and a Firewater Retention Assessment.

3.0 Planning Authority Decision

3.1. Decision

On 23rd January 2020, Kerry County Council decided to grant permission for the proposed development subject to 36 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted development plan provisions, reports received and third party submissions made. It was considered that the works would have no negative impacts on the coach house and the conservation works were welcomed. The proposed development was seen to meet with the General Objectives for Fossa as set out in the Local Area Plan. The creation of a car park and associated roads were seen not to conflict with the 'G3' and 'Preserve Woodland' objectives of the LAP. A request for further information was recommended based on the reports received.

3.2.2. Other Technical Reports

The Building Control Officer had no objection to the proposed development and set out fire and building control requirements.

The Archaeologist submitted that no mitigation is required.

The Architectural Conservation Officer provided a condition to be attached in the event planning permission is to be granted.

The District Engineer requested further information relating to queuing at the proposed entrance, sightlines, pedestrian/cyclist access, universal access across the development, and storm water design.

The Site Assessment Unit noted the application has a public sewer connection.

The Biodiversity Officer submitted that appropriate assessment is required because the proposal individually or in combination with other plans and projects is likely to have a significant effect on Killarney National Park, Macgillycuddy's Reeks and Caragh River cSAC. A Natura Impact Assessment was requested.

The Environment Section sought further information relating to odour, noise, and waste.

3.3. Prescribed Bodies

Inland Fisheries Ireland submitted that it required confirmation that the Killarney waste water treatment plant could accommodate both process and domestic effluent generated, including disposal of cooling water, process or equipment waste waters. It was further requested that good site management practices be adopted at site construction, monitoring of outlet points to surface/storm waters be undertaken daily, and that no interference or diversion of any watercourse results.

Irish Water requested further information on BOD from spent washings, on pH correction, and copper discharge.

3.4. Third Party Observations

A submission was received from Michael Horgan. The grounds of the appeal reflect the concerns raised.

Maeve O'Connell raised concerns relating to the development of the proposed car park in a 'Preserve Woodland' zone. Killarney Brewing Company submitted that it noted with interest the proposed development. Beniska Enterprises Ltd. sought clarification on the proposed bar and restaurant and the impact on local business.

3.5 A request for further information was issued by the planning authority on 22nd July 2019 and a response was received from the applicant on 24th October 2019, inclusive of the submission of an NIS.

Following this, a further third party submission was received from Killarney Brewing Company which was in the form of confirmation that there was no objection to the application and that its earlier submission could be disregarded.

The reports to the planning authority were as follows:

The Environment Engineer set out a schedule of conditions to be applied with a decision to grant permission.

The District Engineer set out a schedule of conditions on roads-related matters.

The Water Services Engineer requested the attachment of a condition with the grant of permission.

The Planner noted the applicant's responses to the further information request. The conclusions of reports received were also noted. Reference was made to the Biodiversity Officer's appropriate assessment conclusion that, subject to mitigation proposed in the NIS, no adverse effects on the integrity of a European site is considered likely. The Planner considered that all of the issues raised in the further information request had been satisfactorily addressed. A grant of permission was recommended subject to a schedule of conditions.

4.0 Planning History

I have no record of any planning application or appeal relating to this site.

5.0 Policy Context

5.1. Killarney Municipal District Local Area Plan 2018-2024

Fossa

Zoning

The site lies within the settlement boundary of Fossa. The location where the existing structures are sited is zoned 'M4 Built up Area'. The lands within the site to the north and west are zoned 'G3 Landscape Protection', with the westernmost half of the site being on G3 lands designated 'Preserve Woodland'.

The Settlement Map shows an 'Indicative Walkway' which runs in a north-east / south-west direction through the centre of the site and then westwards along the southern edge of the site, skirting woodland to be preserved.

Vision

The vision for Fossa is to protect Fossa's lakeside character and setting and to continue to enhance its tourist potential.

General Objectives

These include:

FA-GO-03 - Promote Fossa as a village with a unique character and identity and facilitate quality developments that will help improve the tourism potential of the village.

5.2. Kerry County Development Plan 2015-2021

Built Heritage

Aghadoe House is listed as a protected structure (Ref. 21306614).

Objectives for built heritage include:

H-34: Protect the architectural heritage and promote conservation-led regeneration and re-use of buildings, where appropriate.

H-38: Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting:-

- Is appropriate in terms of the proposed materials, scale, density and layout,
- Addresses the issue of reversibility,
- Respects the original design plan and form,
- Demonstrates an understanding of the historical importance of the building and its setting and does not detract from the special character / interest of the protected structure,
- Deal sensitively with historically important features and fittings,
- Takes account of any protected species that may utilise the structure and accordingly mitigate any impacts on the species.

5.3. Appropriate Assessment

I note that the applicant has submitted a Natura Impact Statement. This includes mitigation in the form of biosecurity measures and lighting design.

My considerations on this issue are as follows:

- The site of the proposed development is not on, in or adjoining any European site.
- The nearest European sites considered for assessment of potential adverse effects on integrity are Killarney National Park, MacGillycuddy Reeks and Caragh River Catchment SAC (Site No.:000365) and Killarney National Park SPA (Site No.: 004038). The nearest parts of both of these sites are approximately 0.8km to the south of the appeal site at Lough Leane. The qualifying features of conservation interest for the former comprise a range of habitats and species, while the features of conservation interest for the latter relate to Merlin and Greenland White-fronted Goose.
- There would be no direct habitat loss or alteration within any European site arising from the proposed development.
- Most of the qualifying species of conservation interest within the SAC are aquatic. There are no watercourses draining the development site and there would be no uncontrolled emissions to any European site. All foul and process water would be discharged to the public sewer and would be treated at Killarney WWTP.
- The proposed site does not have any known functional significance for the terrestrial qualifying species of conservation interest.
- The habitats of the bird species that are of conservation interest within the SPA are distinctively separate and distant from the appeal site and the appeal site has no known functional significance for these species.
- The lesser horseshoe bat, a qualifying species of conservation interest for the SAC, is not known to roost within or adjacent to the proposed site. It is acknowledged that the applicant's bat survey recorded the presence of this bat

species. Woodland adjacent to the proposed works areas will not be significantly impacted and removal of trees will be minimal. The extent of foraging will not be significantly reduced by the proposed development and there will be no break in connectivity in the landscape. Construction works are proposed to occur in daylight hours only. Lighting within the scheme will be by low level directional lighting.

- Having regard to the proposed development resulting in no adverse effects on the integrity of any European site, it is considered that the proposal would not have any in-combination effects with any plans or other projects.

Having regard to the above, I am satisfied to conclude that there would be no adverse effects on the integrity of European sites arising from the proposed development in combination with other plans and projects.

5.4. EIA Screening

Having regard to the nature, scale and location of the proposed development, there is no real likelihood of significant effects on the environment that would warrant environmental impact assessment. No EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be summarised as follows:

- The site is not suitable for such a large commercial/industrial project. The proper place is closer to Killarney where many vacant industrial sites are available. The development would be a threat to the viability of Killarney and would be unsustainable.
- There is concern about the destruction of habitat and the effects on wildlife at the construction stage.

- Reference is made to the number of craft brewers coming on stream and to the issue of tax breaks.
- Concern is raised about the outcome if the project is a failure, the risk involved, and who would be responsible for dealing with this.
- It is noted that there were four submissions made to the planning authority on the proposal.
- It is questioned how the application fits in with the present County Development Plan.

6.2. Applicant Response

The applicant's response to the appeal may be summarised as follows:

- The ambition of the project is to make a woodland distillery, which takes as its basis the experience of the picturesque woodland site and the agrarian character of the existing nineteenth century coach house and courtyard. It is intended to produce a highly crafted project, exemplary in architectural, ecological and environmental terms.
- The woodland is currently used as an amenity by members of the public and the project proposes to support and promote this existing pattern of use.
- The development will provide a high quality tourism amenity which will enhance Fossa's tourist potential. This will be consistent with Section 3.9 of the Killarney Municipal District Local Area Plan relating to Fossa.
- The proposal fulfils Objectives H-34, H-37, H-38, H-44, H-45, NE-38, NE-340, T-2, T-3, T-20, T-32, T-54, and T-68 of the Kerry County Development Plan.
- Features of the development have been positioned to best preserve the woodland as a whole, based on recommendations of the arboricultural consultant. Woodland management and conservation forms part of the development.

6.3. **Planning Authority Response**

The planning authority submitted that many of the issues raised were addressed previously in the Planner's report. It was stated that the planning authority was not in a position to adjudicate on whether proposed developments are financially viable or dependent on tax breaks. The proposal is not considered a large-scale industrial project and its scale is seen to be appropriate to its location. The conservation of the existing coach house is stated to be at the heart of the project. The conservation works are welcomed and it is noted that the Conservation Officer had no objection to the proposal. It was also noted that the application was accompanied by a NIS and that the Biodiversity Officer's report and assessment is available to be seen on the file.

7.0 **Assessment**

7.1. Introduction

7.1.1 I consider that the principal planning issues relating to the appeal are the development in the context of development plan provisions and the ecological impact. I note that part of the appeal submission alludes to tax breaks for craft brewers and to economic failure and risk associated with the development. These are economic matters unrelated to consideration of the proper planning and sustainable development of the physical development of a distillery. They are beyond the scope of the considerations of the Board and I do not propose to address these matters in this assessment. The appellant also notes that there were other third party submissions made to the planning authority. That observation is correct.

7.2. The Development in the Context of Development Plan Provisions

7.2.1 The proposed development would ultimately deliver a craft distillery. Associated with this distillery would be café, restaurant and bar facilities. The scheme would allow for the conservation and refurbishment of the nineteenth century coach house and courtyard sited within the curtilage of Aghadoe House, a protected structure. The development would also allow for the preservation of an existing walking route between the R563 and Fossa Primary School through the site and would provide conservation and management measures for the woodland within which the

proposed development would be set. It can reasonably be understood that the development of the craft distillery as proposed would produce a substantial tourism asset for this area in land use terms, would deliver a high quality composition in architectural terms, would conserve a building of historical and architectural merit, and would enhance the visitor experience of this location.

7.2.2 I note the provisions of the Killarney Municipal District Local Area Plan 2018-2024 as they relate directly to the village of Fossa. The vision for the village is to protect Fossa's lakeside character and setting and to continue to enhance its tourist potential. It is very clear that the nature of the proposed development would add significantly to the tourist potential of Fossa, seeking to produce a high quality development that would likely support, and not compete with, the range of tourism products available in the vicinity. Further to this, it is apparent that, by the siting of the development within woodland and the added conservation of the historic coach house and courtyard, the proposed development would be sensitively located, the woodland setting would be appropriately addressed, and the development would not undermine the lakeside character of Fossa. Overall, it may be understood that the proposed development would be in keeping with the vision for Fossa.

7.2.3 I note the site is located within the settlement boundary of Fossa. The location where the existing structures are proposed to be located is zoned 'M4 Built up Area'. The lands within the site to the north and west are zoned 'G3 Landscape Protection', with the westernmost half of the site being on G3 lands designated 'Preserve Woodland'. The Settlement Map shows an 'Indicative Walkway' which runs in a north-east / south-west direction through the centre of the site and then westwards along the southern edge of the site, skirting woodland to be preserved. The proposed development is wholly in keeping with the zoning objectives for these lands. The conservation of the coach house and the development of the distillery would be in keeping with the development of the village's built-up area. While I note the overall development inevitably results in the loss of some trees and vegetation to allow for the construction of buildings, laying of services, provision of surface parking, the enhancement of walkways, etc., it is reasonable to determine that the sensitivity of approach ultimately minimises the loss of woodland by focusing the main structural development at and in the immediate vicinity of the coach house and it seeks to

protect, develop and enhance the woodland experience. It is apparent that the woodland setting for the development is an integral component of the overall development concept and, therefore, the preservation and enhancement of the woodland is key to the integrity of the development scheme.

7.2.4 With regard to the objectives of the Local Area Plan that apply to Fossa, the most relevant when considering the nature and extent of the proposed development is General Objective FA-GO-03 which seeks to promote Fossa as a village with a unique character and identity and facilitate quality developments that will help improve the tourism potential of the village. It is my submission to the Board that the nature, extent and quality of the proposed development demonstrates that the scheme is in keeping with this objective.

7.2.5 With regard to the provisions of the current Kerry County Development Plan, I consider that the proposed development would be wholly in keeping with the Plan's objectives as they relate to built heritage by protecting the architectural heritage of the coach house associated with Aghadoe House, creating an appropriate re-use of the structure, with compatible alterations and modifications. It is also evident that the development, as a tourism product, is compatible with the array of tourism-related objectives of the Plan which seek a sustainable and diversified tourism industry, inclusive of niche markets and craft sectors, as well as expanding heritage trails and walkways.

7.2.6 Finally, I note that the appellant has raised concerns about the site being unsuited to a large commercial/industrial project and that it is submitted that the proper place for such a development is closer to Killarney where there are many vacant industrial sites available. It is my submission to the Board that there may be somewhat of a misunderstanding of the nature and extent of the proposed development. It is intended to be a craft distillery distinctly placed within a woodland setting. While it is clearly intended as a functioning distillery, the array of ancillary services ensures that the tourism-related function of the development is integral to the existence of the development at this location. The proposal is not intended to be developed as a large industrial-scale distillery which one would associate with the larger whiskey

producing companies within the country. It is apparent from its scale that it is not seeking to develop at an industrial scale which would demand it being sited within an industrial zone of a neighbouring town due to the related intensity of activities.

7.2.7 In conclusion, it may reasonably be determined that the proposed development is wholly in keeping with the development plan provisions as they relate to the nature and extent of the development and to its location.

7.3. Impact on Ecology

7.3.1 The Board will note my considerations on appropriate assessment. It is my submission that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any designated European Site in the wider area in which the development would be set. I note the applicant's Natura Impact Statement, the extent of surveys undertaken, and the mitigation measures proposed to be put in place. I acknowledge that the presence of bats was recorded within the woodland, that there are no habitats of particular conservation value within the site, and that no bird, mammal, insect or other species of conservation importance were encountered on the site. The specific measures to be employed would not undermine the viability of the woodland as foraging territory for bat species.

7.3.2 While it is intended to carry out part of the proposed development within woodland it is noted that the focus of the structural components of the scheme are located at the southern end of the site at and in the vicinity of the coach house and courtyard. The important trees in the vicinity of structures and the woodland bounding the structures are proposed to be retained. It is clear that the scheme layout has been led by an understanding of the woodland setting, the need to sustain this land use as a key component of the overall development, and to enhance the landscape features of the site. In my opinion, it could not reasonably be said that the scheme results in any significant destruction of habitat and any consequential loss of wildlife. I do not accept that the proposed development would have any significant adverse impact on habitats or wildlife.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to:

- the zoning provisions for the site,
- the provisions of the Killarney Municipal District Local Area Plan 2018-2024 as they relate to the development of the village of Fossa,
- the provisions of Kerry County Development Plan 2015-2021 as they relate to tourism and amenity development,
- the proposed conservation / restoration of the coach house and courtyard of Aghadoe House (a protected structure),
- the sensitive siting of the development within established woodland,
- the proposed associated preservation and enhancement of this established woodland, and
- the quality of the layout and design of the proposed development,

it is considered that the proposed development would not undermine the form and character of the woodland habitat and its setting, would be in keeping with the provisions of the current Local Area Plan and the Kerry County Development Plan, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further drawings and details submitted to the planning authority on the 24th October,

2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity

3. No signage, advertisement or advertisement structure shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

4. Prior to the commencement of development, the following shall be submitted to, and agreed in writing, with the planning authority:

(a) detailed drawings showing the layout and form of the proposed entrance onto Regional Road No. R563, the internal access road, shared surfaces, footpaths, etc. to meet the requirements of the planning authority; and

(b) traffic management provisions, inclusive of road signage, internal footpath connectivity and internal traffic management.

Reason: In the interest of traffic safety.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Trees to be retained shall be protected in accordance with the submitted tree protection measures. The landscaping scheme shall include details of proposed hard landscaping treatment and finishes.

Reason: In the interest of visual amenity.

6. Prior to the commencement of development, a conservation management plan shall be submitted to the planning authority for written agreement outlining the conservation and protection measures relating to the coach house and courtyard during the construction phase and providing comprehensive details on proposed materials to be used in the scheme to protect the historic fabric.

Reason: To ensure an appropriate standard of development/conservation.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise and vibration management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Kevin Moore
Senior Planning Inspector

10th June 2020