



An
Bord
Pleanála

Board Direction
BD-002860-19
ABP-303198-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/04/2019.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

Amend the amount payable under Condition No 2 by deleting the amount of €2,650 and substituting the amount of €56,767.50.

Reasons and Considerations:

Having regard to the change of use from a sock factory to a micro craft distillery and the construction of a visitors centre it is considered that the terms of the Kerry County Council Development Contributions Scheme, 2017 were incorrectly applied by the planning authority in the calculation of the amount payable based on reckonable gross floor area for industrial and commercial development. It is therefore concluded that the amount payable, in accordance with the terms of the said scheme is €56,767.50.

Board Member: _____

Date: 25/04/2019

Note: In arriving at the financial contribution of € 56,767.50 payable, the Board concluded that a total area of 3382 square meters, being

- A) - 2500 square meters – new visitors centre;
- B) - 425 square meters - new mezzanine area;
- C) - 457.5 square meters-exhibition area

was commercial in nature and that areas A) and B) were liable for development contribution at a rate of €18 per square meter and area C) was liable for development contribution at a rate of €9 per square meter (50% discount applicable) (Change of use from an industrial area to a commercial area) in accordance with the Kerry County Council Development Contributions Scheme, 2017.

The Board considered that the remaining area was a continuing industrial use which was not liable for any development contribution in accordance with the development contribution scheme.

The Board did not agree with the Inspector's conclusion that the proposed development qualified as a craft/arts based enterprise use as allowed for under the Development Contribution Scheme.