



Board Direction

Ref: 20.RL.3551

The submissions on this file and the Inspector's report were considered at a Board meeting held on 7th February 2017.

While the referral question relates to a protected structure, the Board considered it appropriate to examine and decide the case under the provisions of section 5 of the Planning & Development Act having regard to the nature of the question and the issues arising. The Board also examined the referral with respect to section 57 of the Act concerning protected structures.

The Board decided that the installation of distillery equipment and the change of use from the production of grain and maize products to a whiskey distillery is development and is not exempted development. Reasons and considerations as per the following draft order.

WHEREAS a question has arisen as to whether the installation of distillery equipment and the change of use from the production of grain and maize products to a whiskey distillery on site at existing mill building at Stewarts Mill (a protected structure), Mocmoyne TD, Boyle, County Roscommon is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Roscommon County Council of Áras an Chontae, Roscommon on the 31st day of May, 2016:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) sections 2(1), 3(1) and 4(1) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1), 9(1) and 10(1) of the Planning and Development Regulations, 2001, as amended,

- (c) Class 21, Part 1 and Class 4, Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the pattern of development in the area, and
- (f) section 57 of the Planning and Development Act, 2000, as amended:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the change of use from the production of grain and maize products to a whiskey distillery is considered to differ materially in planning terms owing to:
 - a. the nature of the processes and activities involved in the production of distilled spirits, including use of high temperatures and pressure in a liquid-based production process, whereby control of and storage of liquids is required,
 - b. The resource inputs involved in distillation (primarily water requirements) differ significantly from the former use
 - c. The residues associated with distillation including requirement for liquid discharges (for example cooling water, liquid and solid residues) and potential for emissions to air, differ significantly from the former use
- (b) The differences outlined above between former and proposed use would require consideration in relation to planning matters such as use of resources, control of emissions and protection of water resources.
- (c) It is therefore considered that the change of use is a material change of use is therefore development.
- (d) The change of use from production of grain and maize products to distillery use does not fall within Class 4 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, because, based on the information provided on the subject file, the board is not satisfied that either the former or the latter process falls within the definition of light industry in this case, and therefore an exemption for the change of use is not available under article 6 of the Regulations.
- (e) based on the information on file, the Board was satisfied that the carrying out of limited works as described would not materially affect the character of the protected structure, or elements of the structure which contribute to its special interest.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the said installation of distillery equipment and the change of use from the production of grain and maize products to a whiskey distillery on site at existing mill building at Stewarts Mill (a protected structure), Mocmoyne TD, Boyle, County Roscommon is development and is not exempted development.

Board Member: _____ Date: 16th February 2017
Paddy Keogh

Note: Given that there is no exemption available for the change of use under article 6 of the Regulations, the Board did not need to formally examine whether the restrictions on exemption set out in article 9 of the Regulations are applicable. The Board did not necessarily share the inspector's concerns with respect to the need for an environmental impact assessment and considered that, in any event, the planning authority will have the opportunity to consider this question in the context of any planning application made.

[Please issue a copy of the Board Direction with Board Order]