



Planning and Development Acts 2000 to 2018

Planning Authority: Kerry County Council

Planning Register Reference Number: 18/728

Appeal by Skellig Distilleries Limited care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork in relation to the application by Kerry County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 of its decision made on the 15th day of November, 2018.

Proposed Development: (a) Change of use from factory to micro craft distillery and visitor centre for the production of alcohol with a maximum production capacity of 500,000 LPA, (b) partial demolition of 1,156 square metres single storey former factory warehouse on Valentia Road, (c) remaining 1,830 square metres warehouse to be repurposed as distillery incorporating elevated deck separating tourists from factory floor, plant, machinery, stores, silos, distillers' and staff suites, laboratory, demonstration rooms, all upgraded to comply with prevailing regulations, (d) existing 340 square metres two-storey building to be adapted to offices for the distillery organisation, (e) construction of new visitor centre to comprise reception, café/restaurant and waiting lounge, craft gift shop at ground floor, outdoor cloister/sculpture garden, exhibition ramp/rooms showcasing production process, local features, folklore and brand story, tasting bar with retail zone at

1st floor, space for multipurpose events/gatherings at 2nd floor, VIP lounge and viewing deck at 3rd floor with dark sky observatory and green roof garden, (f) ancillary support facilities to include distillery equipment, staff rooms, sanitary facilities, lifts, stairs, services and all attendant external works including deliveries yards, car, bicycle and coach parking, sensitive dark-sky lighting, signage, sustainable features and landscaping, (g) one-way vehicular system with separate gates (one new to Valentia Road) for deliveries and visitors and (h) total new areas, refurbished distillery, 1,830 square metres one storey with 425 square metres visitor mezzanine, refurbished office wing, 375 square metres over three storeys (existing), new visitor centre, 2,500 square metres over three storeys with active dynamic roofspace. All at the former Wilsons' Sock Factory, AF2, IDA Industrial Estate, Garranearagh, Valentia Road, Cahersiveen, County Kerry.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 2 and directs the said Council to AMEND condition number 2 so that it shall be as follows for the reason stated.

2. The developer shall pay to the planning authority a financial contribution of €56,767.50 (fifty-six thousand, seven hundred and sixty-seven euro and fifty cent) 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 the 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. The application of any indexation required by this condition 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.

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.

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.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.