

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Roscommon County**

**Planning Authority Reference Number: DED 223**

An Bord Pleanála Reference Number: 20.RL.3551

**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 31<sup>st</sup> 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:
- (i) 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,
  - (ii) the resource inputs involved in distillation (primarily water requirements) differ significantly from the former use, and
  - (iii) 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, 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 Planning and Development Regulations, 2001, and
- (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.

### **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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                    day of                    2017.**