



An
Bord
Pleanála

Inspector's Report

ABP-318164-23

Development	Retention of 72sqm external covered seating area, 2No 30sqm storage units and adjacent food truck, consumption of food prepared in this area and of alcohol manufactured on the premises and all associated site development works and services
Location	Moneycarroll, Newtownmountkennedy, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	23/60039
Applicant(s)	Wicklow Wolf Brewing Company Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party v Decision
Appellant(s)	Joe Kenny
Date of Site Inspection	14 March 2024
Inspector	L. Gough

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site is situated on the southern edge of Newtownmountkennedy, towards the western edge of employment zoned lands. The area is characterised by commercial/ light industrial type units on the same side of the R765 to the east and residential development to the north-west on the opposite side of the R765, on 'Existing Residential' (RE) zoned lands. The Newtown Business and Enterprise Centre is located to the immediate east at a lower ground level, between the Wicklow Wolf Brewing Company Ltd appeal site and the R772.
- 1.2. The site has direct access onto the R765 and is also located on the opposite (south) side of that road, to houses 1-4 of the Rossmore residential housing estate. On site surface car parking is located to the north and west of the site and brewery building. A fenced off yard area is located to the southern, rear end of the building.
- 1.3. To the south and west of the appeal site, at a much higher ground level, are currently undeveloped lands which are zoned for community and education.
- 1.4. The stated area of the appeal site is 0.86 hectares. The Wicklow Wolf Brewing Company Ltd unit is a double height industrial unit which runs linearly in a north-south direction away from the R765 and has a light grey clad exterior.
- 1.5. The storage units to be retained are situated in a prominent location at the northernmost corner of the existing building near the site entrance and comprise repurposed shipping containers. They incorporate a walk-through entrance to the main entrance of the brewing facility and are painted a dark grey.
- 1.6. At ground floor level, the retention of change of use floor areas incorporate two tap areas – with one of these and a café (coffee serving area) within the reception area and the other within the brewery production area, public toilets, a small shelved merchandising area, and circulation area
- 1.7. Within the brewery reception area, stairs provide access to the two first-floor mezzanine seating areas, a tap room, wc and viewing areas.
- 1.8. At the time of the site visit, lands which are situated to the west, beyond the Community and Education zoned lands, were being developed for housing.

2.0 Proposed Development

- 2.1. The proposal seeks retention permission for: Part change of use of the permitted Micro Brewery to facilitate tours of the brewery and ancillary facilities including a tap room and sampling area, indoor viewing area, indoor seating area, customer toilets, service counter and reception. Retention permission (as originally advertised) is also sought for an external covered seating area of 72sq.m and food truck to the northwestern corner of the micro-brewery allowing for the consumption food and alcohol manufactured on site by visitors to the brewery.
- 2.2. The 72sqm of external covered seating area features two 15sqm each repurposed shipping container type storage units which are laid out perpendicularly to each other, connected by the 72sqm open space terrace with a timber and corrugated sheet metal and perspex roof. This covered seating area is located immediately in front of the brewing facility reception and must therefore be walked through to reach the reception area.
- 2.3. The food truck to be retained is situated to the immediate east of one of the containers and alongside the reception and tap room to the north-west corner of the facility.
- 2.4. The proposal also seeks retention permission for the consumption of food prepared on site for which purpose the existing staff canteen is being utilised, and the consumption of alcohol manufactured on the premises.
- 2.5. As noted in 2.1 above, subsequent to further information being requested on 27 June 2023 and received on 28 July 2023, Wicklow County Council required the advertising of significant further information which related to the need for retention permission also being required to be applied for the change of use of part of the micro-brewery to ancillary tourism/ hospitality uses, to include tours of the brewery and facilities, including tap room and sampling area, indoor viewing area, indoor seating areas, customer toilets, service counter, reception and a merchandise retail area.
- 2.6. The floor plans provided to the council at further information, indicate that the retention of change of use to ancillary tourism/ hospitality at both ground and first floor levels, relates to a total 208sqm floor area.

3.0 Planning Authority Decision

Decision – on 5th September 2023, Wicklow County Council granted planning permission subject to 5 conditions including the following:

- Condition 3: The car parking layout as indicated on Drawing No. PL-W-053-005 submitted as part of this planning application shall be constructed in full and open for use within 6 months of the final grant of this permission.
- Condition 4: (a) The opening hours of the tourism/hospitality element of the development including tap rooms, food van, outdoor seating area and tours of the facility shall be restricted to between the hours of 10am until 7pm Monday to Sunday. No tours and no serving or consumption of alcohol or food on site is permitted outside of these hours.
(b) Hot food shall not be made available for takeaway, collection or delivery on site and shall only be available for consumption on the premises.
(c) Only 1 no. food van is permitted on site at any one time.
- Condition 5: No amplified music shall be permitted on site.

3.1. Planning Authority Reports

3.1.1. Planning Reports

- The planning report noted development plan provisions, similar development precedent within County Wicklow, the content of the pre-planning discussion between the applicant and the planning authority, reports received, and third-party submissions made.
- In addressing the previous refusal of the planning application lodged under planning reference 22/735, the local authority planner highlighted that public notices issued under that application had not made it clear what use the elements applied for retention related to. In relation to these and the evolving nature of the business, the planning authority thus had concerns, at that time, that the current tourism/ hospitality element on site was un-authorised and that the granting of retention permission would result in the further consolidation of unauthorised development on site.

- The planner also noted the late submission of the planning report associated with the planning application. It was on this basis, including the requirement for a full development description, including the retention of a tourism and hospitality use associated with the permitted brewery on site, that further information was requested to be submitted and subsequently advertised as significant further information.
- The planners report identifies the fact that the proposed tourism/ hospitality use proposed to be retained comprises c.138sqm (including reception and toilet facilities), accounting for c.9% of the existing permitted floor area, which is considered ancillary to the main function of the premises as a brewery.
- In relation to the proposed structures and covered seating area to be retained, the report notes that these appear visually acceptable within the context of the location of the site within an industrial estate and that the food van can be easily removed/ replaced on site, as required.
- The council's planner considered that the proposed development would be acceptable, subject to conditions. A grant of permission was recommended subject to a schedule of conditions.

3.1.2. Other Technical Reports

- Wicklow County Council Fire Officer: 5No conditions recommended in the event of planning permission being granted.

3.2. Prescribed Bodies

- Irish Water (now Uisce Éireann): No objection subject to compliance with conditions.

3.3. Third Party Observations

- One third party submission was received by the planning authority in relation to the advertised retention application and again on the subsequently advertised significant further information. These were both from the subject appellant and the issues raised were similar to those raised in the third-party appeal.

Additional points raised in the submissions include:

- Application does not include the café or illuminated signage for the taproom.
- Concerns raised in relation to car parking. Only 24 parking spaces provided where the original permission had 47. This is a contravention of the permission granted under 17/1520 and cars are parking in Rossmore Housing Estate across the road.
- The development will result in the closure of businesses in the town centre due to the inclusion of the café and pizza van.
- Noted that the applicant states the venue can receive up to 150 visitors on peak days.

4.0 Planning History

- **LA Ref. 22/735:** Permission granted to Wicklow Wolf Brewing Company Ltd for the on sale of alcohol at the existing micro-brewery plant and b) the construction of a new 11.5 metre grain silo to the front (north) of the existing building; and 2. Retention permission of a 72sqm external covered seating area together with two ancillary storage units (30sqm) to the north-west corner of the building. All with associated site services.

Condition 1 of the permission granted states that it “*refers to the construction of a new 11.5 metre high grain silo to the front (north) of the existing building and for the off sale of alcohol on site for consumption off the premises as described in the documents lodged as part of this planning application, save as the conditions hereunder require. This permission does not include permission for the sale of alcohol on site for consumption on the premises and for the retention of a 72sqm external covered seating area together with two ancillary storage units (30sqm) to the north-west corner of the building*”.

- **LA Ref. 21/1159:** Planning permission granted to Wicklow Wolf Brewing Co. for 135 kWp (c.1,050 sq.m) of roof mounted solar PV Panels and associated works.

Parent Permission

- **LA Ref. 17/1520:** Planning permission granted to Wicklow Wolf Brewing Co. for

- 1,572 sqm craft micro-brewery plant, new entrance through R765 road to the north of the site, all together with ancillary site development works, landscaping, and service connections.

5.0 Policy Context

5.1. Development Plan

The Newtownmountkennedy Town Plan 2022-2028 is incorporated as a Level 4 town plan within the Wicklow County Development Plan 2022-2028. Text and policy/objective provisions considered relevant to the subject appeal are copied below.

Section 1.1.3 Economic Development & Employment Objectives

- Increase the quality and range of employment opportunities by facilitating developments that involve foreign and local investment in a variety of forms, including ‘people’ and ‘product’ intensive industries. The Council will particularly support the development of ‘people’ intensive employment generating developments at locations served by sustainable and active modes of transport, those that provide for the local convenience and social service needs of the area and those that provide for the needs of tourists and visitors. The Council will support the development of ‘product’ intensive industries at appropriate locations and will particularly support developments based on the use of a local rural resource.
- To facilitate and support the highest degree possible, all forms of employment creation on appropriately zoned land and to promote the intensification of activities on existing employment sites and to take advantage of the existing economic assets of the town in order to stimulate further employment within the area.
- Promote in the first instance the growth of economic activity and employment in the town centre and built-up parts of the towns; and where a demand for ‘greenfield’ employment development is identified, to ensure zoned, serviced land is available in appropriate locations in accordance with the zoning principles of the County Development Plan.

- To encourage and facilitate the development of small to medium scale indigenous industries and services at appropriate locations within the Level 4 settlements.
The Council acknowledges that the development of small scale projects with long term employment potential are important in sustaining both urban and rural settlements in County Wicklow and as such, the Council will adopt a proactive and flexible approach in dealing with applications on a case-by-case basis.
- Support a shift towards low carbon and climate change resilient economic and enterprise activity, reducing energy dependence, promoting the sustainable use of resources and leading in the Smart Green Economy.
- To promote tourist developments at suitable locations that are of an appropriate scale and design, particularly developments that are associated with the tourism products or themes associated with any town and its hinterland and maximise the town's location as a destination and gateway between the tourism assets.

Zoning and Land Use

- Zoning: 'E: Employment' - To provide for the development of enterprise and employment.
- Description: To facilitate the further development and improvement of existing employment areas and to facilitate opportunities for the development of new high quality employment and enterprise developments in a good quality physical environment.
- The Town Plan also notes that 'Uses generally appropriate for employment (E) zoned land include general and light industry, office uses, enterprise units, appropriate warehousing ... and ancillary developments for employment and industry uses in accordance with the CDP'.
- In relation to appropriate uses on zoned lands, the Plan also states that 'Many uses exist where they do not conform to the designated zoning objective. When extensions to, or improvements of premises accommodating such uses are proposed, each shall be considered on its merits and permission may be granted where the development does not adversely affect the amenities of properties in the vicinity and does not prejudice the proper planning and development of the area'.

Section 3.4 Economic Development & Employment

The economic development strategy of this plan is to take advantage of the existing economic assets in order to stimulate employment within the area... In line with sound planning principles, it is the aim of the plan that a significant proportion of new jobs created will be located in existing built up areas, through redevelopment of brownfield sites, infill, change of use to employment generating uses and intensification of activities on existing employment sites.

Economic Development & Employment Objectives

- NK4 To facilitate and support the development of the tourism industry in Newtownmountkennedy and maximise the town's location as a gateway between the tourism assets within Co. Wicklow.
- NK7 To support the development of agricultural and craft tourism.

Wicklow County Development Plan 2022-2028: Chapter 9 Economic Development

- CPO 9.3 To normally require new employment generating developments to locate on suitably zoned or identified land in settlements. Proposals in settlements with no zoning plan should be assessed on the basis of their individual merits, taking into consideration the objectives set out in this chapter of the plan and all other matters pertaining to the proper planning and sustainable development of the area, including ensuring that the proposal is appropriately sited in a location so that it enhances, complements, is ancillary to or neutral to the existing land uses in the area. All other proposals for employment generating developments outside of settlements will be assessed on the 'Objectives for Wicklow's Rural Economy'.
- CPO 9.4 To protect employment zoned land from inappropriate development that would undermine future economic activity or the sustainable development of such areas.
- CPO 9.5 To permit proposals for employment generating development where it can be demonstrated that the development complies with the relevant development standards and is not detrimental to residential amenity or to environmental quality, and is acceptable with regard to its impact on the character and visual amenity of the area. Regard will be paid to ensuring that existing or

planned infrastructure can acceptably accommodate a proposed development. Developments that result in a high level of traffic generation that cannot be accommodated by the local road network in the vicinity, that are detrimental to residential amenity, the character or visual amenity of an area or to existing service infrastructure will not be permitted.

Chapter 11 Tourism and Recreation General Objectives

- CPO 11.1 To promote, encourage and facilitate the development of the tourism and recreation sectors in a sustainable manner.
- CPO 11.2 To ensure that all tourism and recreation developments are designed to the highest quality and standards.
- CPO 11.3 To generally require tourism and recreation related developments to locate within existing towns and villages, except where the nature of the activity proposed renders this unfeasible or undesirable. Within existing towns and villages, the Planning Authority will promote and facilitate the development of tourist related uses at appropriate sites. In all cases, the applicant must submit a robust assessment setting out the sustainability of any proposal with respect to economic, environmental and social sustainability, as defined herein.

5.2. Natural Heritage Designations

There are no designations of relevance to the proposed development.

5.3. EIA Screening

Having regard to the nature, scale and location of the proposed development, comprising the retention of outdoor seating, two storage units and a food truck, internal change of use for tourism/ hospitality and associated elements, to an existing permitted brewing facility and its location in a built-up urban area where the existing brewery is connected to public water mains and sewerage, it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main grounds of the third-party appeal:

- The appellant notes that they have no issue with the brewing element of the business.
- The applicant is non-compliant with conditions 7, 8, 11, 12 and 14 of the original grant of planning (Ref. No. 171520).
- The unauthorised pub activity on site is of concern and was set up to allow the applicant to expand the operation of the business which was set up without the benefit of planning permission.
- A number of additional unauthorised activities are identified which the appellant states are not included within the scope of the current application.
- It is the appellant's opinion that the applicant's agent has made a deliberate attempt to force their misguided opinion on the council and local community. It is considered that this relates to the fact that the applicant applied only for retention of the structures housing the unauthorised pub and did not apply for retention permission for the pub activity itself, on site, as it is maintained that the applicant has been granted a 'Producers Retail Licence' under the 'Intoxicating Liquor (Breweries and Distilleries) Act 2018'.
- The planning authority did not sufficiently examine the revised development in relation to the Wicklow County Development Plan guidelines, and the proposal runs contrary to the development plan. In this regard chapter 9.3(ii)b is raised, as are objectives CPO 9.3, 9.4, 9.5, Table 10.1 (Retail Hierarchy & Strategy for County Wicklow) and objective CPO 10.4.
- Whilst the subject site is located on lands zoned for employment, it is not located on lands zoned for 'Town Centre' or within the 'Core Retail area' of the village and there are a large number of vacant or underdeveloped units within the core retail area of Newtownmountkennedy. Retail related development should be located in Town and Village centres.

- The planning authority initially refused the planning application (under planning reference 22735), yet granted permission for essentially the same development under file number 2360039.
- It is requested that the board takes into account the objectives and guidelines of the development plan, existing residential development in the area, and the fact that a primary school will soon be developed on lands zoned for 'Education' immediately adjacent and to the west of the pub.

6.2. Applicant Response

A first party response was received from the applicant's agent. The response considers the appeal to be without substance, with issues raised being neither elaborated upon, nor substantiated, and can therefore be readily set aside. In summary, the points made, include:

- In relation to the acceptability and principle of the proposed development, both of the planning authority planner's reports comprehensively and thoroughly addresses these matters, setting out the logic and basis for the decision to grant permission.
- The Planning Authority considered the policies identified by the appellant, in addition to other County Development Plan and Newtownmountkennedy Town Plan policies. The uses proposed are considered to be entirely appropriate to the site and enhance the existing use and promote tourism in the locality and County.
- The previous split and refusal decisions in relation to the appeal site, related to various technicalities with regard to the extent of development and use to be retained, and to the subsequent wording of the development proposed to be retained. These were corrected and resolved through the most recent planning application and associated submission of further information and subsequent advertisement of same, as significant further information.
- Issues raised by the third-party objection/ observation (the subject appeal appellant), were considered by the planning authority's planner in their planning report, which also noted objectives NMK 4 and 7 of the Town Plan. The planning report did not consider the proposed use to comprise a public

house, and that operational hours and the serving of food could be readily conditioned.

- The Planning Authority's planner did not consider that there would be an impact on the town centre, and that parking and bus manoeuvres were deemed to be acceptable.
- The Planning Authority planning report referenced similar developments and precedents in the County and referenced Chapter 9.4 of the County Development Plan, wherein table 9.2 states that Newtownmountkennedy is to be an attractor of substantial investment with the target focused on local investment and "product" intensive industries with some "people" content.
- Permission was granted by the planning authority, having regard to the existing use on site, the site location, zoning and pattern of development in the vicinity. It was considered that the development would not seriously injure the amenities of the area nor property in the vicinity.
- Whilst the appellant's house may be situated 20m from the front of the appeal site, it is however, c.47m from the enclosed seating area and separated from the site by a busy regional road.
- The seating area is enclosed, well screened and has little visual impact, set against the scale of the brewery building and silo (which is 11.4m tall and 4.3m deep), beside it. The seating area is thus visually innocuous, has no adverse impact on the area and minimal impact on the site and existing premises.
- The potential future school site adjoining to the west, is well screened and 3.5m above the brewery site. Minimal noise and visual impact will therefore occur. Existing and permitted signage makes no reference to alcohol, the brewery or use of the building.
- The existing/ proposed development responds to the existing built fabric created by the brewery. It is small in scale and of little visual impact. There is/ will be no adverse impacts on residential amenities. Hours of operation, noise levels and type of patronage are all controlled.
- The brewery tap room and seating area have been in existence for several years and have operated in an acceptable manner with no impact on neighbouring properties, nor have they attracted concern from the

surrounding area.

- The proposed use fully accords with the Retail Guidelines, having regard to type of product and scale and nature of operation. It does not, as a result have any impact on the retail vitality of the town centre.
- The proposed use (to be retained) is not a public house and is a use entirely ancillary to the existing use of the premises, as a brewery. The use is intrinsically linked to the brewery by the conditions of the liquor licences for the premises. Sale of alcohol is restricted to that manufactured by the brewery and sales on the premises can only be to those who have taken a tour of the brewery.

6.3. Planning Authority Response

- None.

6.4. Observations

- None on file.

7.0 Assessment

Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. Matters identified by the appellant as relating to unauthorised development not captured in the development description have been resolved through the significant further information and associated advertising process and any issues relating to compliance with conditions of the previous planning application, are beyond the remit of the Board and not therefore a matter for the subject appeal consideration. The main issues therefore relate to:

- Principle of Development/ Retention of Use
- Compliance with policy

Principle of Development/ Retention of Use

- 7.1. The development/ use to be retained ultimately delivers a craft distillery, with an ancillary tourist visitor experience, to Newtownmountkennedy. From the information provided and from the site visit undertaken, it can be reasonably understood that this is proving to be a successful undertaking, providing a substantial tourism asset for the area.
- 7.2. I note the established and permitted use of the overall site. I also note the provisions of the Newtownmountkennedy Town Plan and Wicklow County Development Plan 2022-2028 as they relate directly to the area, particularly section 1.1.3 Economic Development & Employment Objectives, objectives NK4, NK7, CPO 9.3, CPO 9.4, CPO 9.5, CPO 11.1, CPO 11.2 and CPO 11.3. The uses to be retained, including that associated with the outdoor seating area and indoor tap rooms, are considered to be ancillary to the main use and function of the site as a micro-brewery. They are located on an appropriately zoned site within Newtownmountkennedy and do not, in my opinion, undermine the appearance or character of the existing building or surrounding area.
- 7.3. Furthermore, given the topographical differences between the appeal site and surrounding area, the enclosed, well screened nature of the seating area to be retained, it is considered that the proposed development and use to be retained will not have either a negative visual nor amenity impact on the area, or adjacent sites and land uses.
- 7.4. 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, the proposed use to be retained and to its location as ancillary to an existing permitted craft brewery.

Compliance with Policy

- 7.5. In addition to the above and the economic and employment related policies/ objectives already identified, it is evident that the development/uses to be retained, as a tourism product, are compatible with both these and the tourism-related objectives of CPO 11.1, 11.2, and 11.3 of the County Development, the full array of which seek a sustainable and diversified tourism industry, inclusive of niche markets and craft sectors. 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 development and use proposed to be retained is thus considered to be in compliance and accordance with the zoning provisions, policies and objectives of both the Wicklow County Development Plan and Newtownmountkennedy Town Plan.

8.0 Recommendation

- 8.1. From my assessment above, I recommend that the Board should uphold the decision of the Planning Authority and grant retention permission for the development and use, in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Newtownmountkennedy Town Plan and Wicklow County Development Plan 2022-2028, and to the land-use zoning objective of the area, the existing and permitted use on the site, and to the nature, form, scale and design of the proposed development to be retained, it is considered that, subject to compliance with the conditions set out below, the development and change of use for which retention is sought, would be compatible with the zoning objective for the area and would not seriously injure the residential or community/ educational amenities of the area. The development proposal to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be retained, 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 09/05/2023 and 28 July 2023, 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
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	<p>prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The opening hours of the tourism/ hospitality element of the development including tap rooms, food van, outdoor seating area and tours of the facility shall be restricted to between the hours of 10am until 7pm Monday to Sunday. No tours and no serving or consumption of alcohol or food on site is permitted outside of these hours.</p> <p>(b) Hot food shall not be made available on site for takeaway, collection or delivery and shall only be available for consumption on the premises.</p> <p>(c) Only 1 no. food van is permitted on site at any one time.</p> <p>Reason: In the interest of clarity and of the residential amenities of property in the vicinity.</p>
3.	<p>The car parking layout as indicated on Drawing No. PL-W-053-005 submitted as part of this planning application shall be constructed in full and open for use within 6 months of the final grant of this permission.</p> <p>Reason: In the interest of clarity and of the residential amenities of property in the vicinity.</p>
4.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p>

	<p>Reason: To provide for the appropriate management of waste, and in particular recyclable materials in the interest of protecting the environment.</p>
6.	<p>No additional advertising signs, symbols, flags, emblems or logos shall be erected externally on the buildings or anywhere on the overall site, whether or not such signs or advertisements would constitute exempted development, without a prior grant of planning permission. No internally illuminated or neon signage shall be permitted.</p> <p>Reason: In the interest of visual amenity and in order to permit the planning authority to assess the suitability of any such signage on the visual and residential amenities of the area through the statutory planning process</p>
7.	<p>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 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. 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>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.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

.L. Gough
Planning Inspector

28 June 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	<p>Retention of 72sqm external covered seating area, 2No 30sqm storage units and adjacent food truck, consumption of food prepared in this area and of alcohol manufactured on the premises.</p> <p>Retention of 208sqm relating to change of use of part of the micro-brewery to ancillary tourism/ hospitality uses, to include tours of the brewery and facilities, including tap room and sampling area, indoor viewing area, indoor seating areas, customer toilets, service counter, reception and merchandise retail area.</p>		
Development Address	Moneycarroll, Newrownmountkennedy, Co. Wicklow		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case	Retention of outdoor seating area Proceed to Q.4

		of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use).	and tourism associated use. Stated site area of development and use to be retained is 0.0108 ha	
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector:  Date: 28/06/2024