



Planning and Development Acts 2000 to 2019

Planning Authority: Kerry County Council

Planning Register Reference Number: 18/762

APPEAL by Wym O'Connell of Papillon, Main Street, Causeway, Tralee, County Kerry and by Others against the decision made on the 15th day of March, 2019 by Kerry County Council to grant subject to conditions a permission to Sandford Energy Limited care of Philip O'Dwyer of Foxfort, Causeway, Count Kerry.

Proposed Development: Construction of two digestion tanks, a storage silo, an ESB substation for the completion of an agricultural anaerobic digestion facility and to retain and complete pasteurisation/pump room/offices, machinery shed, new entrance road onto public road and all associated ancillary site works at Dromkeen West, Causeway, County Kerry as amended by the further public notices received by An Bord Pleanála on the 17th day of January 2020 which included the following: to construct two digestion tanks, a storage silo, Combined Head and Power Engine (CHP), an ESB substation for the completion of an agricultural anaerobic facility, and to retain and complete pasteurisation/pump room/offices, machinery shed, new entrance road onto public road and all associated site works as submitted to An Bord Pleanála on the 24th day of October 2019 (which details were submitted to the planning authority on the 31st day of July 2018).

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

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.

Reasons and Considerations

1. The Board considered that the applicant has failed to demonstrate that the proposed development would be served by a satisfactory surface water drainage system. The proposed drainage scheme submitted to An Bord Pleanála by way of further information on the 24th day of October 2019 fails to demonstrate how soiled and clean water would be kept separate and it fails to explain how the measures proposed for the disposal of soiled surface water would be compatible with the operations of the anaerobic digestion facility, especially during periods of heavy rainfall. Furthermore, the proposed development in these circumstances would give rise to the pollution of adjoining land drains with adverse implications for water quality and, potentially, public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided with the application and appeal and in the absence of a Natura impact statement the Board cannot be satisfied that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on the Lower River Shannon Special Area of Conservation (Site Code: 002165), or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this day of 2020