



Planning and Development Acts 2000 to 2018

Planning Authority: Kerry County Council

Planning Register Reference Number: 18/762

Application for Leave to Appeal against the decision of the planning authority by Kerry Education and Training Board of Centrepoint, John Joe Sheehy Road, Tralee, County Kerry, having an interest in land adjoining the land in respect of which Kerry County Council decided on the 15th day of March, 2019 to grant subject to conditions a permission and permission for retention to Sandford Energy Limited care of Philip O'Dwyer of Foxfort, Causeway, Tralee, County Kerry.

Proposed Development: Construction of two digestion tanks, a storage silo, an ESB substation for the completion of an agricultural anaerobic digestion facility and retention and completion of pasteurisation/pump room, offices, machinery shed, new entrance road onto public road and all associated ancillary site works at Dromkeen West, Causeway, County Kerry.

Decision

GRANT leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on 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

Having regard to the submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority's decision, it is considered that it has been shown that -

- (i) the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of condition numbered 1 imposed by the planning authority to which the grant is subject, and
- (ii) the imposition of condition numbered 1 will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission or reduce the value of the land.

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

Dated this day of 2019.