

An  
Bord  
Pleanála

Board Order  
ABP-314998-22

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Kerry County Council.**

**Planning Register Reference Number: 22/228**

**Application for Leave to Appeal** against the decision of the planning authority by Siobhán Fitzgerald of Sandford, Dromkeen, Causeway, Tralee, County Kerry, having an interest in land adjoining the land in respect of which Kerry County Council decided on the 10<sup>th</sup> day of October, 2022 to grant subject to conditions permission to Sandford Energy Limited care of Philip O'Dwyer of Foxfort, Causeway, Tralee, County Kerry.

**Proposed Development:** Construction of a biogas production plant incorporating: two digestion tanks, a pre-mix tank and digestate tank; a substrate storage area and slurry storage tank with associated pumps; construction of a building containing CHP unit and controls for digestion facility and machinery storage; a concrete underground covered soiled water tank with wheel wash, weighbridge, and biogas flare unit; construction of a water attenuation tank for storm/rain water on site, complete with class 1 oil interceptor/separator, silt traps, tree-lined boundary fence on earthen bank and all associated site works, all at Dromkeen West, Causeway, Tralee County Kerry.

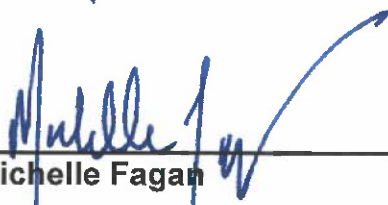
## Decision

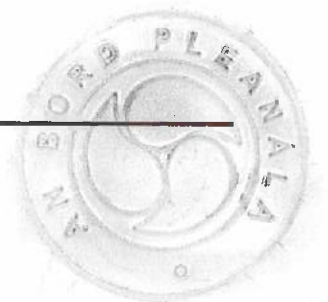
**GRANT leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.**

## 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 number 25 imposed by the planning authority to which the grant is subject, and
- (ii) the imposition of condition number 25 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.

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



Dated this 28<sup>th</sup> day of November 2022.