



An
Bord
Pleanála

Application Form for Permission / Approval in respect of a Strategic Infrastructure Development

1.

Please specify the statutory provision under which your application is being made:	Section 37E of the Planning and Development Act 2000 (as amended).
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2. **Applicant:**

Name of Applicant:	Curns Energy Ltd.
Address:	Desart House, Lower New Street, Kilkenny
Telephone No:	+ 353 56 7715782
Email Address (if any):	N/A

3. Where Applicant is a company (registered under the Companies Acts):

Name(s) of company director(s):	Cathal Hennessy George Tottenham Benjamin Freeman Peter Kavanagh Gavin Jones
Registered Address (of company)	Desart House, Lower New Street, Kilkenny
Company Registration No.	543486
Telephone No.	+ 353 56 7715782
Email Address (if any)	N/A

4. Person / Agent acting on behalf of the Applicant (if any):

Name:	J. Green (MKO)
Address:	MKO, Tuam Road, Galway H91 VW84
Telephone No.	091735611
Mobile No. (if any)	N/A
Email address (if any)	info@mkoireland.ie

Should all correspondence be sent to the above address? (Please tick appropriate box)

(Please note that if the answer is “No”, all correspondence will be sent to the Applicant’s address)

Yes: [] No:[]

Contact Name and Contact Details (Phone number) for arranging entry on site if required / appropriate:

Jimmy Green (MKO)

MKO, Tuam Road, Galway

091735611

5. Person responsible for preparation of Drawings and Plans:

Name:	J. O'Brien (MKO) and Ger Donnellan (TLI)
Firm / Company:	MKO and TLI Group
Address:	MKO, Tuam Road, Galway TLI, Tralee, Kerry
Telephone No:	091735611 (MKO) 0667135710 (TLI)
Mobile No:	N/A
Email Address (if any):	info@mkofireland.ie info@tli.ie
Details all plans / drawings submitted – title of drawings / plans, scale and no. of copies submitted.	
Please refer to Addendum 1. Three hard copies and seven electronic versions are included within the planning pack.	

6. Site:

<p>Site Address / Location of the Proposed Development (as may best identify the land or structure in question)</p>	<p>Townlands of Lyrenacarriga, Dunmoon South, Coolbeggan West, Propoge, Ballycondon Commons, Ballynatray Commons, Shanapollagh and Killea, County Waterford</p> <p>Townlands of Lyremountain, Lyre, Ballyanthony, Knockanarrig, Breeda, Rearour North and Rearour South, County Cork</p>
<p>Ordnance Survey Map Ref No. (and the Grid Reference where available)</p>	<p>OS1808, OS2008</p>
<p>Where available, please provide the application site boundary, as shown in the submitted plans / drawings, as an ESRI shapefile in the Irish Transverse Mercator (ITM IRENET95) co-ordinate reference system. Alternatively, a CAD file in .dwg format, with all geometry referenced to ITM, may be provided.</p>	
<p>Area of site to which the application relates in hectares</p>	<p>732 ha</p>
<p>Site zoning in current Development Plan for the area:</p>	<p>Site is not subject to zoning provision but is located within an area designated as 'preferred area' for the provision of a wind farm development in County Waterford and in an area designated as 'open to consideration' for a wind energy development in County Cork.</p>
<p>Existing use of the site & proposed use of the site:</p>	<p>Existing use of the site and proposed use of the site:</p> <p>Existing - The land uses within the proposed development comprises of a mixture of agricultural land and forestry.</p> <p>Proposed- The applicant is seeking to develop a renewable energy use (Wind farm) and associated uses and infrastructure (including 110 kV substation)</p>
<p>Name of the Planning Authority(s) in whose functional area the site is situated:</p>	<p>Waterford City and County Council Cork County Council</p>

7. Legal Interest of Applicant in respect of the site the subject of the application:

Please tick appropriate box to show applicant's legal interest in the land or structure:	Owner	Occupier
	Other ✓	
Where legal interest is "Other", please expand further on your interest in the land or structure.		
Landowner agreements in place and consent details included in planning pack.		
If you are not the legal owner , please state the name and address of the owner and supply a letter from the owner of consent to make the application as listed in the accompanying documentation.		
<p>Coillte Teoranta, Dublin Rd, Kilmacullagh, Newtownmountkenedy, County Wicklow;</p> <p>Michael Browne, Ballymackeigh, Killeagh, County Cork;</p> <p>Patrick Fitzgerald, Carrignassa, Killeagh, County Cork;</p> <p>Loretto Morrisson, Strancally, Knockanore, Tallow, County Waterford;</p> <p>John and Helen Roche, 2 St Christopher's Road, Montenotte, County Cork;</p> <p>John Walsh, Ballydaniel, Lackroe, Youghal, County Cork;</p> <p>Brian Kearney, Burgess, Killeagh, County Cork;</p> <p>Ballynatray Energy Limited, Lagile, Killeagh, County Cork;</p> <p>Florence and Carmel Harnedy, Killea, Templemichael, Youghal, County Cork;</p> <p>John Lucey, Ballinray, Youghal, County Cork;</p> <p>May Griffin, 46 McDonagh Road, County Waterford;</p> <p>Kieran Walsh, Breeda, Killeagh, County Cork;</p> <p>John Coughlan, Breeda, Killeagh, County Cork; and,</p> <p>John McDonnell, Tallow, County Cork.</p> <p>Letter of consent contained within the planning pack.</p>		
Does the applicant own or have a beneficial interest in adjoining, abutting or adjacent lands? If so, identify the lands and state the interest.		
Please refer to planning drawings.		

8. Site History:

Details regarding site history (if known):
Has the site in question ever, to your knowledge, been flooded?
Yes: [] No: [✓]

If yes, please give details e.g. year, extent:

Are you aware of previous uses of the site e.g. dumping or quarrying?

Yes: No:

If yes, please give details:

Are you aware of any valid planning applications previously made in respect of this land / structure?

Yes: [] No: []

If yes, please state planning register reference number(s) of same if known and details of applications

Reg. Ref. No:	Nature of Proposed Development	Nature of Final Decision of Application Grant of Refusal by Planning Authority / An Bord Pleanála
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Waterford County Council

99/196	Construction of Slatted Shed for Livestock Purposes	Granted (12/07/1999)
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05/537	A two storey dwelling garage septic tank and entrance	Granted (27/07/2005)
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Cork County Council

06/9131	Dwellinghouse	Granted (20/10/2006)
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If a valid planning application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then any required site notice must be on a yellow background in accordance with Article 19(4) of the Planning and Development regulations 2001 as amended.

Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development?

Yes: [] No:[)

If yes please specify

An Bord Pleanála Reference No.: _____

9. Description of the Proposed Development:

Brief description of nature and extent of development	<ul style="list-style-type: none"> i. Construction of up to 17 No. wind turbines with a maximum overall blade tip height of up to 150 metres; ii. 1 no. Meteorological Mast with a maximum height of up to 112 metres; iii. Construction of 1 no. staff welfare and storage facility including waste water holding tank; iv. 1 no. permanent 110 kV electrical substation with 2 no. control buildings with welfare facilities, 10 no. battery containers, battery switchgear building, all associated electrical plant and equipment, security fencing, all associated underground cabling, waste water holding tank and all ancillary works; v. Underground cabling connecting the turbines to the proposed substation and connection from the proposed substation to the national grid via a 110 kV loop in connection. vi. Upgrade of existing tracks, roads and provision of new site access roads and hardstand areas; vii. Construction of an access track in the townlands of Breeda and Rearour South to facilitate turbine delivery; viii. Junction improvement works in the townland of Killea to facilitate turbine delivery; ix. 3 no. borrow pits; x. 2 no. temporary construction compounds; xi. Site Drainage; xii. Forestry Felling; xiii. Signage; and xiv. All associated site development works. <p>This application is seeking a ten year planning permission and 30 year operational life from the date of commissioning of the entire wind farm.</p> <p>An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in relation to the project and accompanies this planning application.</p>
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10. In the case of mixed development (e.g. residential, commercial, industrial, etc), please provide breakdown of the different classes of development and a breakdown of the gross floor area of each class of development:

Class of Development:	Gross Floor Area in m ²
N/A	N/A

11. Where the application relates to a building or buildings:

Gross floor space of any existing buildings(s) in m ²	N/A
Gross floor space of proposed works in m ²	1053m ² - Control Buildings, Switchgear Building, Battery Switchgear and staff welfare and storage facility.
Gross floor space of work to be retained in m ² (if appropriate)	N/A
Gross floor space of any demolition in m ² (if appropriate)	N/A

12. In the case of residential development please provide breakdown of residential mix:

Number of	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4 + Bed	Total
Houses	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Apartments	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of car-parking spaces to be provided		Existing:		Proposed:		Total: N/A	

13. Social Housing: N/A

Please tick appropriate box:	Yes	No
<i>Is the application an application for permission for development to which Part V of the Planning and Development Act 2000 applies?</i>		✓
<p>If the answer to the above question is “yes” and the development is not exempt (see below), you must provide, as part of your application, details as to how you propose to comply with section 96 of Part V of the Act.</p> <p>If the answer to the above question is “yes” but you consider the development to be exempt by virtue of section 97 of the Planning and Development Act 2000, a copy of the Certificate of Exemption under section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a copy of the application should be submitted).</p> <p>If the answer to the above question is “no” by virtue of section 96 (13) of the Planning and Development Act 2000, details indicating the basis on which section 96 (13) is considered to apply to the development should be submitted.</p>		

14. Where the application refers to a material change of use of any land or structure or the retention of such a material change of use:

Existing use (or previous use where retention permission is sought)
The land uses within the proposed development comprises of a mixture of agricultural land and forestry.
Proposed use (or use it is proposed to retain)
The development of a renewable energy development comprising 17 Turbines, 110kV substation, all ancillary infrastructure and services.
Nature and extent of any such proposed use (or use it is proposed to retain).
The development of a renewable energy development including associated works.

15. Development Details:

Please tick appropriate box:	If answer is yes please give details	YES	NO
Does the proposed development involve the demolition of a Protected Structure(s), in whole or in part?			✓
Does the proposed development consist of work to a protected structure and / or its curtilage or proposed protected structure and / or its curtilage?			✓
Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?			✓
Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994.		✓	
Does the application relate to work within or close to a European Site or a Natural Heritage Area?		✓	
Does the development require the preparation of a Natura Impact Statement?		✓	
Does the proposed development require the preparation of an Environmental Impact Assessment Report?		✓	
Do you consider that the proposed development is likely to have significant effects on the environment in a transboundary state?			✓
Does the application relate to a development which comprises or is for the purpose of an activity requiring an integrated pollution prevention and control license			✓
Does the application relate to a development which comprises or is for the purpose of an activity requiring a waste license?			✓
Do the Major Accident Regulations apply to the proposed development?			✓
Does the application relate to a development in a Strategic Development Zone?			✓
Does the proposed development involve the demolition of any habitable house?			✓

16. Services:

Proposed Source of Water Supply:
Existing connection: <input type="checkbox"/> New Connection: <input type="checkbox"/>
Public Mains: <input type="checkbox"/> Group Water Scheme: <input type="checkbox"/> Private Well: <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> Non-potable water source. Please refer to EIAR.
Name of Group Water Scheme (where applicable): <hr/>
Proposed Wastewater Management / Treatment:
Existing: <input type="checkbox"/> New: <input type="checkbox"/>
Public Sewer: <input type="checkbox"/> Conventional septic tank system: <input type="checkbox"/>
Other on site treatment system: <input checked="" type="checkbox"/> Please Specify: It is proposed to manage wastewater from the staff welfare facilities by means of sealed storage tanks, with all wastewater being tankered off site by permitted waste collector to wastewater treatment plants. Please refer to the EIAR.
Proposed Surface Water Disposal:
Public Sewer / Drain: <input type="checkbox"/> Soakpit: <input type="checkbox"/>
Watercourse: <input type="checkbox"/> Other: <input checked="" type="checkbox"/> Please specify: Controlled diffuse drainage system. Please refer to the EIAR.

17. Notices:

Details of public newspaper notice – paper(s) and date of publication
Copy of page(s) of relevant newspaper enclosed Yes: [<input checked="" type="checkbox"/>] No:[<input type="checkbox"/>]
Details of site notice, if any, - location and date of erection
Site Notice locations are depicted on Drawing 170749-02 which is included with the planning drawings that accompany this application. Date of erection of Site Notices: 8 th January 2021 Copy of site notice enclosed Yes: [<input checked="" type="checkbox"/>] No:[<input type="checkbox"/>]
Details of other forms of public notification, if appropriate e.g. website
All documentation is available to view on the dedicated project website: www.lyrenacarrigawindfarm.com

18. Pre-application Consultation:

Date(s) of statutory pre-application consultations with An Bord Pleanála 12th March 2019
Schedule of any other pre application consultations –name of person / body and date of consultation to be provided as appropriate and also details of any general public consultations i.e. methods, dates, venues etc. This can be submitted as a separate schedule with the application form. Enclosed: (Addendum 2 of the planning form) Yes: [<input checked="" type="checkbox"/>] No:[<input type="checkbox"/>] Schedule of prescribed bodies to whom notification of the making of the application has been sent and a sample copy of such notification. Enclosed: (Addendum 3 of the planning form) Yes: [<input checked="" type="checkbox"/>] No:[<input type="checkbox"/>]

19. Confirmation Notice:

Copy of Confirmation Notice


Attach a copy of the confirmation notice in relation to the EIA Portal where an EIAR accompanies the application.

A copy of the notice is attached and the Department reference is 2021002

20. Application Fee:

Fee Payable	€100,000.00 (Paid by EFT)
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I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and that the application documents being deposited at the planning authority offices, and any other location specified by the Board in pre application consultations, including a website (if any) will be identical to the application documents being deposited with the Board.

Signed: (Applicant or Agent as appropriate)	
Date:	8 th January 2021

General Guidance Note:

The range and format of material required to be compiled / submitted with any application in respect of a proposed strategic infrastructure development shall generally accord with the requirements for a planning application as set out in the Planning and Development Regulations, 2001 to 2018 and those Regulations should therefore be consulted prior to submission of any application.

September 2018

Addendum 1- Schedule of Planning Drawings

Drawing No.	Drawing Title	Scale	Page Size
170749 – 01	Location Context Map	1: 50,000	A3
170749 – 02	Site Location Map	1: 15,000	A1
170749 – 03	Site Layout Key Plan A	1: 20,000	A1
170749 – 04	Site Layout Sheet 1 of 4	1: 5,000	A1
170749 – 05	Site Layout Sheet 2 of 4	1: 5,000	A1
170749 – 06	Site Layout Sheet 3 of 4	1: 5,000	A1
170749 – 07	Site Layout Sheet 4 of 4	1: 1,000	A1
170749 – 08	Site Layout Key Plan B	1: 20,000	A1
170749 – 09	Site Layout Plan Sheet 1 of 11	1: 2,500	A1
170749 – 10	Site Layout Plan Sheet 2 of 11	1: 2,500	A1
170749 – 11	Site Layout Plan Sheet 3 of 11	1: 2,500	A1
170749 – 12	Site Layout Plan Sheet 4 of 11	1: 2,500	A1
170749 – 13	Site Layout Plan Sheet 5 of 11	1: 2,500	A1
170749 – 14	Site Layout Plan Sheet 6 of 11	1: 2,500	A1
170749 – 15	Site Layout Plan Sheet 7 of 11	1: 2,500	A1
170749 – 16	Site Layout Plan Sheet 8 of 11	1: 2,500	A1
170749 – 17	Site Layout Plan Sheet 9 of 11	1: 2,500	A1
170749 – 18	Site Layout Plan Sheet 10 of 11	1: 500	A1
170749 – 19	Site Layout Plan Sheet 11 of 11	1: 2,500	A3
170749 – 20	Temporary Construction Compound 1	1: 500	A3
170749 – 21	Temporary Construction Compound 2	1: 500	A3
170749 – 22	Loop in Substation Battery Storage & Layout Plan	1: 500	A1
170749 – 23	Loop in Substation – Southeast Elevations	1:500-1:200 (As Shown)	A1
170749 – 24	Loop in Substation – Northeast Elevations	1:500-1:200 (As Shown)	A1
170749 – 25	Loop in Substation – Southwest Elevations	1:500-1:200(As Shown)	A1
170749 – 26	Loop in Substation – Northwest Elevations	1:500-1:200(As Shown)	A1
170749 – 27	Substation Control Building	1:200	A3
170749 – 28	Substation Switchgear Building	1:200	A3
170749 – 29	Battery Switchgear Building	1:200	A3
170749 – 30	Cable End Mast Details	1:200	A3
170749 – 31	Borrow Pit 1 Layout and Sections	1:1,000-1:500 (As Shown)	A3
170749 – 32	Borrow Pit 2 Layout and Sections	1:1,000-1:500 (As Shown)	A3
170749 – 33	Borrow Pit 3 Layout and Sections	1:1,000-1:500 (As Shown)	A3
170749 – 34	Met Mast Compound Welfare & Storage Building, Plan & Section	1:250	A1
170749 – 35	Met Mast Compound Control Building Elevation, Plan & Section	1:200	A3
170749 – 36	Typical Turbine Hardstand Layout Standard Detail	1:500	A3
170749 – 37	Wind Turbine Elevation	1:500	A3
170749 – 38	Wind Turbine Elevation & Plan	1:500	A3
170749 – 39	Typical Excavated Road Sections	1:75	A3
170749 – 40	Proposed Access Junction	1:1,500	A3
170749 – 41	Proposed Access Junction A	1:1,000	A3
170749 – 42	Proposed Access Junction B - Option 1	1:1,500	A3
170749 – 43	Proposed Access Junction B - Option 2	1:1,500	A3
170749 – 44	Proposed Access Junction C	1:1,000	A3
170749 – 45	Typical Pre-cast Concrete Clearspan Watercourse Crossing	1:50	A3
D101	Proposed Drainage Layout	1:2,000	A1
D102	Proposed Drainage Layout	1:2,000	A1

Drawing No.	Drawing Title	Scale	Page Size
D103	Proposed Drainage Layout	1:2,000	A1
D104	Proposed Drainage Layout	1:2,000	A1
D105	Proposed Drainage Layout	1:2,000	A1
D106	Proposed Drainage Layout	1:2,000	A1
D107	Proposed Drainage Layout	1:2,000	A1
D108	Proposed Drainage Layout	1:2,000	A1
D109	Proposed Drainage Layout	1:2,000	A3
D501	Drainage Details 1	1:2,00-1:100 (As Shown)	A1
D502	Drainage Details 2	1:100-1:50 (As Shown)	A1
D503	Drainage Details 3	1:50-1:25 (As Shown)	A1

Addendum 2- Pre-Application Schedule

Cork County Council

A pre-application meeting was held with Cork County Council in relation to the proposed development on the 20th of May 2018. Items discussed at the meetings included an overview of the proposal, the planning history of the site, site selection, Development Plan provisions, planning application approach (SID), Environmental Impact Assessment Report, Design/description, visuals, community engagements and cumulative projects. This meeting was attended by Noel Sheridan (Cork County Council), Enda Quinn (Cork County Council), Jimmy Green (MKO) and Charles Langley (on behalf of the applicants).

A second pre-application meeting was held on the 14th of August 2019. During the meeting a number of updates were discussed with Cork County Council, this included a presentation on the proposed layout, the wind farm design process as well as an update on public consultation and the EIAR. The status and progress surrounding the Strategic Infrastructure Development process was also discussed with Cork County Council. This meeting was attended by Noel Sheridan (Cork County Council), Enda Quinn (Cork County Council), Jimmy Green (MKO), Cliona O'Sullivan (on behalf of the applicants) and Charles Langley (on behalf of the applicants).

Waterford County Council

A pre-planning meeting was held with the Planning Department of Waterford County Council in relation to the proposed development prior to the submission of this planning application. The meeting was held on 17th of May 2018 which was attended by representatives of the Planning Department, MKO and Innogy Renewables Ireland (now RWE Renewables, part of the applicant company). Items discussed at the meetings included an overview of the proposal, the planning history of the site, site selection, Development Plan provisions, planning application approach (SID), Environmental Impact Assessment Report, project design/description, visuals, community engagements and cumulative projects. This meeting was attended by Hazel O'Shea (Waterford County Council), Anne Doyle (Waterford County Council), Jimmy Green (MKO), Cathal Hennessey (on behalf of the applicants) and Charles Langley (on behalf of the applicants).

A second pre-application meeting was held on the 16th of October 2019. During the meeting a number of updates were discussed with Waterford County Council; this included a presentation on the proposed layout, the wind farm design process as well as an update on public consultation and the EIAR. The status and progress surrounding the Strategic Infrastructure Development process was also discussed with Waterford County Council. This meeting was attended by Hazel O'Shea (Waterford County Council), Aidan Walsh (Waterford County Council), Michael Watson (MKO), Cliona O'Sullivan (on behalf of the applicants) and Charles Langley (on behalf of the applicants).

An Bord Pleanála SID Meeting

The first meeting between the applicant team and An Bord Pleanála was on the 30th of August 2018. During the meeting a presentation of the proposed development was given by the applicant team in which the principle of the proposed development was discussed. This included design, planning history, policy along with the receiving setting. Further aspects such as the proposed grid connection, community consultation and community benefit were also discussed. This meeting was attended by Brendan Wyse (An Bord Pleanála), Ciara Kellett (An Bord Pleanála), Diarmuid Collins (An Bord Pleanála), Fergal Kilmurray (An Bord Pleanála), Jimmy Green (MKO) Michael Watson (MKO), Ciara Conboy, on behalf of the applicants), Charles Langley (on behalf of the applicants) and Cathal Hennessey (on behalf of the applicants).

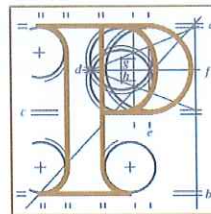
A second meeting was held between the applicant team and An Bord Pleanála on the 11th of June 2019. At this meeting a number of further updates were given to An Bord Pleanála including surveys, updated designs along with discussions surrounding the EIAR. At this meeting the Board set out their relevant procedures. This meeting was attended by Brendan Wyse (An Bord Pleanála), Ciara Kellett (An Bord Pleanála) Ellen Morrin (An Bord Pleanála), Fergal Kilmurray (An Bord Pleanála), Jimmy

Green (MKO), Michael Watson (MKO), Charles Langley (on behalf of the applicant) and Cliona O'Sullivan (on behalf of the applicant).

Following the meeting the Board issued a record of the proceedings and the applicants moved to close out the pre-application process. The Board's letter dated the 29th May 2020 (attached as part of this addendum) confirmed that the proposed development falls within the scope of paragraphs 37A(2)(a) and (b) of the Act. Accordingly, the Board have confirmed that the proposed development would be strategic infrastructure within the meaning of Section 37A of the Planning and Development Act, 2000 (as amended).

Our Case Number: ABP-301740-18

Your Reference: Innogy Renewables Ireland Ltd. - 170749



**An
Bord
Pleanála**

MKO
Planning & Environmental Consultants
Tuam Road
Galway
Co. Galway
H91 VW84



Date: 28th May, 2020.

Re: Wind Farm
Knockaun North, Lyrenacarriga, Ballycondon Commons, Kilcalf Mountain, Ballycolman, Kilnafurrery, Kllcronat Mountain and Knockakeo the site straddles the county boundary between Co. Waterford and Co. Cork.

Dear Sir / Madam,

Please be advised that following consultations under section 37B of the Planning and Development Act, 2000 as amended, the Board hereby serves notice under section 37B(4)(a) that it is of the opinion that the proposed development falls within the scope of paragraphs 37A(2)(a), (b) and (c) of the Act. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 37A of the Planning and Development Act, 2000, as amended. Any application for permission for the proposed development must therefore be made directly to An Bord Pleanála under section 37E of the Act.

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed.

Attached is a list of prescribed bodies to be notified of the application for the proposed development.

In accordance with section 146(5) of the Planning and Development Act, 2000 as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Teil (01) 858 8100
Glaó Áitiúil 1890 275 175
Facs (01) 872 2684
Láithreán Gréasáin www.pleanala.ie
Ríomhphost bord@pleanala.ie

Tel (01) 858 8100
LoCall 1890 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email bord@pleanala.ie

64 Sráid Maoilbhríde 64 Marlborough Street
Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,



Maeve Williams
Executive Officer
Direct Line: 01-8737287

PC09



Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel (01) 858 8100
LoCall 1890 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

The following is a schedule of prescribed bodies considered relevant for the purposes of Section 37E (3) (c) of the Principal Act.

- Minister for Housing, Planning and Local Government
- Minister for Culture, Heritage and the Gaeltacht (DAU)
- Minister for Agriculture, Food and the Marine
- Minister for Communications, Climate Action and Environment
- Minister for Transport, Tourism and Sport
- Cork County Council
- Waterford City and County Council
- Irish Water
- Inland Fisheries Ireland
- Transport Infrastructure Ireland
- Environmental Protection Agency
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority
- Health & Safety Authority
- Commission for Regulation of Utilities, Water and Energy

Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

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64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Judicial Review Notice

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the

Teil	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

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Addendum 3- List of Prescribed Bodies

Notification of application has been forward to the following prescribed bodies:

- > Minister for Housing, Planning and Local Government;
- > Minister for Culture, Heritage and the Gaeltacht (DAU);
- > Minister for Agriculture, Food and Marine;
- > Minister for Communications, Climate Action and Environment;
- > Minister for Transport, Tourism and Sport;
- > Cork County Council;
- > Waterford City and County Council;
- > Irish Water;
- > Inland Fisheries Ireland;
- > Transport Infrastructure Ireland;
- > Environmental Protection Agency;
- > The Heritage Council;
- > An Taisce;
- > An Chomhairle Ealaion;
- > Fáilte Ireland;
- > Irish Aviation Authority;
- > Health and Safety Authority; and,
- > Commission for Regulation of Utilities, Water and Energy.

A copy of all notification letters has been included as part of the planning application pack.