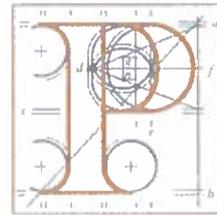


Our Ref: ABP-300398-17

PA Reg Ref:

Your Ref:

On behalf of:



An
Bord
Pleanála

Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare

Date: 06 June 2018

Re: Solar photovoltaic array, substation and associated grid connection.
Timahoe North, Ballydermot, County Kildare.

Dear Sir / Madam

I have been asked by An Bord Pleanála to refer further to the above-mentioned pre-application consultation. Please be advised that following consideration of the issues raised during the consultation process the Board is of the opinion that the proposed development falls within the scope of section 182A of the Planning and Development Act, 2000 as amended. Accordingly, the Board decided that the proposed development would be strategic infrastructure within the meaning of section 182A of the Act. Any application for approval for the proposed development must therefore be made directly to An Bord Pleanála under section 182A(1) of the Act.

A copy of the documentation relating to the Board's pre-application file is enclosed for your information including a copy of the written record of the pre-application consultation meetings between An Bord Pleanála and the prospective applicant. A copy of the pre-application consultation file can be made available for public inspection at this stage and must be associated with any application file documentation when such an application is made. In this regard please note that the Board has directed the prospective applicant to include a statement in the public notices of any planning application indicating that the application will be made available for public inspection at the offices of the local authority (as well as the offices of the Board) and on a stand alone website. The Board would therefore be obliged if you could make the necessary arrangements in this regard following receipt of the copies of any application documentation from the prospective applicant. Please note that the public will have the right to make submissions/observations on the application only to An Bord Pleanála and within a time limit which will be specified in the public notices (copies of same will accompany the application documentation) and the public should be alerted to this fact when inspecting the file. It is the Board's intention that all of the application documentation will remain available for public inspection during the currency of the application.

Thank you for your co-operation in this matter.

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.

Teil
Glaio Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Facs
Website
Email

(01) 858 8100
1890 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

If you have any queries in relation to the matter please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read 'PP. O. Forde', written over a horizontal line.

Rob Forde
Executive Officer
Direct Line: 01-8737266

Encls.
VC12

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act, 2000, 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 and as amended/substituted by sections 32 and 33 of the Planning and Development (amendment) Act 2010) 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. 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.

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.