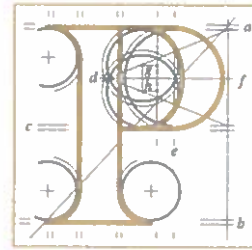


Our Ref: 29S.PC0185
P.A.Reg.Ref:

Your Ref:



An
Bord
Pleanála

Paul O'Neill
GVA Planning
2nd Floor, Seagrave House
19-20 Earlsfort Terrace
Dublin 2

3rd March 2017

Re: Proposed National Maternity Hospital at St. Vincent's
University Hospital,
Elm Park, Dublin 4

Dear Sir,

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 paragraphs 37A(2)(a) 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.

A copy of the Board Direction dated 2nd March, 2017 is enclosed for your information.

Also 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.

Information is set out over 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.

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

Yours faithfully,


Sinead McInerney
Executive Officer
Direct Line: 01-8737295

ADHOC/PC0185/04

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



64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act, 2000, as amended

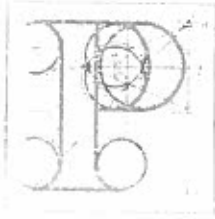
A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 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 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.



An
Bord
Pleanála

Board Direction

Ref: 29S.PC0185

At a meeting held on 1st March, the Board considered the report of the inspector as well as the documents and submissions on file.

The Board determined that the proposed development is strategic infrastructure development, generally in accordance with the Inspector's reasoning and recommendation.

The Board noted that at the final pre-application meeting (January 25th 2017) the prospective applicant indicated they were aware of the emerging transportation proposal involving closure of the Merrion Gates and associated implications for road traffic in the area, which may have a bearing on the application.

The list of consultees to be updated to include Minister for Health.

Board Member:

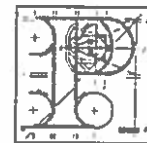

Conall Boland

Date: 2nd March 2017

Copy of Direction to issue with notification.

List of Prescribed Bodies

An Bord Pleanála



Case Reference/ Description	29S.PC0185 – Proposed National Maternity Hospital at St. Vincent's University Hospital, Elm Park, Dublin 4.
Case Type:	S.37E of the Planning and Development Act 2000 (as amended).

The prospective applicant is advised to have regard to article 213 of the Planning and Development Regulations, 2001, as amended, and the following is the list of prescribed bodies to be notified of the application:

- a) Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Development Applications Unit)
- b) Minister for Communications, Climate Action and Environment
- c) Minister for Housing, Planning, Community and Local Government
- d) Minister for Transport, Tourism and Sport
- e) Minister for Health
- f) Dublin City Council
- g) Dún Laoghaire-Rathdown County Council
- h) Transport Infrastructure Ireland
- i) National Transport Authority
- j) Irish Water
- k) An Chomhairle Ealaíon
- l) Fáilte Ireland
- m) An Taisce
- n) The Heritage Council