



APPLICATION FORM

APPENDIX 4

***PRE-APPLICATION* & PUBLIC
CONSULTATION SUMMARY**

1. CONSULTATION

1.1 EIAR Scoping

A scoping report, providing details of the Proposed Development, was prepared by MKO and circulated in September 2023. MKO requested the comments of the relevant Non-Governmental Organisations and authorities with interest in the specific aspects of the environment with the potential to be affected by the proposal. The responses received aid in identifying potential effects on the environment and provide initial feedback in the early stages of the design iteration process. Full details of the scoping responses received and how any issues raised are addressed in the EIAR is provided in Section 2.7 of Chapter 2 of the EIAR.

1.2 Pre-Planning Consultation

1.2.1.1 An Bord Pleanála

The pre-application consultation process was commenced with An Bord Pleanála (ABP) in June 2023 (Pre-planning ref: OC07.317409). Three pre-application consultation meetings were held under Section 287 of the Planning Act with ABP. Feedback and recommendations from ABP regarding the environmental impact assessment and the preparation of the application were considered and incorporated into the application documents where appropriate. The pre-application consultation was closed by ABP in accordance with Section 287(3) of the Planning Act in a letter dated the 24th September 2024.

The pre-application consultation meetings are summarised in Table 2 below. Further detail is provided in relation to each meeting in Section 2.8.2 in Chapter 2 of the EIAR.

Table 1: ABP Consultation Summary Table

Meeting Details	Matters Discussed
19th September 2023 In-person at An Bord Pleanála and online via MS Teams	<ul style="list-style-type: none"> The elements of the Proposed Development to be included in the planning application The visual impact assessment, photomontage viewpoint locations and appropriate study area The consideration of impacts on designated sites and survey methodologies The consideration of policies set out in the NMPF Proposed works at the landfall site Consultation and engagement with relevant bodies Foundation design and construction methodology Community consultation undertaken to date The provision of application documents in Irish and English.
18th December 2023 In-person at An Bord Pleanála and online via MS Teams	<ul style="list-style-type: none"> The updated layout and extension of the MAC amendment The application of the design flexibility legislation The policies of the NMPF and the compliance of the Proposed Development Engagement to date with stakeholders. The provision of application documents in Irish and English. The Community Benefit Fund Survey effort along the grid connection corridor Potential impact on other projects in the area
26th July 2024	<ul style="list-style-type: none"> Procedural matters to be followed for the making of an application Confirmation that design flexibility is not being sought by the Applicant

Online via MS Teams	<ul style="list-style-type: none"> • Sea-bed preparation and relevant licences for dumping at sea • Construction methodologies for the gravity-based foundations and the export cable burial and landfall • Modelling of coastal transport and sediment dynamics • Impact of the Proposed Development on Designated Sites • Ports to be used during construction and operation • Engagement with stakeholders • The provision of application documents in Irish
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1.2.1.2 Galway County Council

Pre-application consultation with Galway County Council was undertaken throughout the Proposed Development's design and the preparation of the application for development permission. Four pre-application meetings were held with attendees from various departments of Galway County Council.

The pre-application consultation meetings are summarised in Table 2 below. Further detail is provided in relation to each meeting in Section 2.8.2 in Chapter 2 of the EIAR.

Table 2: Galway County Council Consultation Summary Table

Meeting Details	Matters Discussed
<p>3rd May 2023</p> <p>Online via MS Teams</p>	<ul style="list-style-type: none"> • The prospective applicant and project background • Site location, context and constraints • Proposed Development layout and design • Survey work undertaken • Public consultation • The extent of the community benefit fund • Application timelines • Visual impacts along the coast • The consideration of designated sites
<p>21st November 2023</p> <p>In-person at GCC</p>	<ul style="list-style-type: none"> • The EIAR structure and development being assessed • Grid Connection • Visual impacts on the landscape • Visual impacts on residential amenity • Community Benefit Fund • Site selection and alternative assessment • Heritage sites within the area • Decommissioning • Construction methodologies
<p>16th April 2024</p> <p>Online via MS Teams</p>	<ul style="list-style-type: none"> • General project update • Design update • Landscape and visual update including updated photomontage viewpoints • Community engagement update and community benefit fund details • EIAR and initial survey results • Project timelines and application lodgement
<p>23rd October 2024</p> <p>In-person at GCC</p>	<ul style="list-style-type: none"> • General project progress update • Final Proposed Development design • Findings of the Socio-economic and Tourism assessments undertaken • Visual impact from the Co. Galway coast, including the presentation of the photomontage booklet and other visual aids • Community engagement update • Application lodgement timelines and procedural matters

1.2.1.3 Clare County Council

Pre-application consultation was also held with Clare County Council as landfall and the onshore elements of the Proposed Development are located in Co. Clare. Three meetings were held with various departments of Clare County Council.

The pre-application consultation meetings are summarised in Table 4 below. Further detail is provided in relation to each meeting in Section 2.8.2 in Chapter 2 of the EIAR.

Table 3: Clare County Council Consultation Summary Table

Meeting Details	Matters Discussed
29th March 2023 In-person at CCC	<ul style="list-style-type: none"> • The prospective applicant and project background • Site location, context and constraints • Proposed Development layout and grid connection route • Survey work undertaken • Public consultation • Nature of construction works along the grid connection • Potential for locating the grid connection outside the road network • Likely structure and scale of the community fund
20th November 2023 Online via MS Teams	<ul style="list-style-type: none"> • The OGC route and connection into Moneypoint Substation • The impact on the road network and surveys undertaken to inform design • The landfall site and its selection/ suitability • The visual impact from the Clare coastline, including sites such as the Cliffs of Moher • Other offshore projects off the coast of Clare and the potential for cumulative impacts • Potential impacts on archaeology • Planning policy context • The prospect of a west coast DMAP.
22nd February 2024 In person	<ul style="list-style-type: none"> • Meeting with Alan Kennelly, Senior Executive Engineer, Clare County Council to discuss the proposed grid connection route.
30th May 2024 In-person and Online with TII and CCC	<ul style="list-style-type: none"> • The impact on the road network. • The OGC route and joint bay locations. • The OGC design • Reinstatement of the road surface • Capacity of the road network • Construction methodologies • Service crossings

1.3

Public Consultation

The Applicant has undertaken extensive consultation with the local community. Community engagement began in January 2022, with the appointed of a Fisheries Liaison Officer (FLO) and early consultation with local community groups. In August 2022, a Community Liaison Officer (CLO), Michael Cloherty, was appointed to the project on a full-time basis to manage the consultation process. The CLO has been based full time in the project information office in the gteic building in Carna. The office has been used to meet with individuals and local community groups. All materials, images, maps and VR equipment used during the projects public consultation has been available to view and use on an ongoing basis from the office.

A dedicated project website was launched in April 2023 and continues to be updated on a regular basis with the latest information on the Proposed Development. A virtual consultation room, which went live on the website in April 2024, provided details and a photomontage viewer. A dedicated email address and phone number to facilitate enquiries were made available on all project information documents and on the Proposed Development's website.

From January 2022, the Proposed Development team has been working to ensure that community engagement and public consultation activities have been carried out according to the fundamental principle of proactive consultation and open discussion. Summary details of consultations and interactions with the community since January 2022 is provided in the Community and Stakeholder Engagement Report, which can be found as Appendix 2-3 of the EIAR.

A central component of the public consultation strategy was a 4-day public consultation event held from 11th to the 14th June 2024. The events were held in the conference room of the Gteic hub, located in the Enterprise Centre in Carna, Co. Galway. The events were advertised locally and nationally 2-3 weeks prior through the project website, local paper notices, media press release, announcements and radio news features and interviews. Over the 4 events approx. 150 people attended in person. A wide range of detailed information, maps, images and reports around the Proposed Development were on visual display, as well as members of the project team available to answer questions, queries and provide and share information. Also, available at the event was a virtual reality headset showing a selection of viewing points of the Proposed Development from land as a real-life experience in a 360° format.

Table 4 below provides a timeline of the engagement activities that have taken place since the beginning of 2022, up to the present day. The local events attended provided an opportunity to engage with stakeholders who had an interest in the area and to understand how the Project could best support the community. The media interviews and publications provided information about the Project to the wider community. The information provided in Table 4 below is a selection of some of the engagement undertaken by the Project team since 2022 to demonstrate the range and depth of engagement and public information provided by the Project.

Not included below are hundreds of phone calls, discussions and meetings with smaller groups and individuals and additional media engagement that have taken place over the entire period since early 2022.

Table 4: Timeline and Summary of Public Engagement Activities undertaken for the Project

Time Period	Consultation / Meeting
January – July 2022	<ul style="list-style-type: none"> ➤ A Fisheries Liaison Officer (FLO) was appointed to the project to start consultation with the local fisheries and marine users. ➤ A Project Development Manager was appointed and commenced early consultation with local community groups.
August 2022	<ul style="list-style-type: none"> ➤ In August 2022 the CLO began their work in the area. ➤ A two-week marine traffic assessment was carried out from Mweenish Island. The CLO liaised with local residents as part of the process. ➤ The CLO Michael Cloherty also engaged with local elected reps in the area TDs and CCs ➤ Basic project website was set-up with contact details for the CLO
September 2022	<ul style="list-style-type: none"> ➤ In September 2022 the CLO and Development Manager with FST attended The Rosamhíl Harbour Conference in order to share information on the project and liaise with those engaged in local marine industry. ➤ Further to the above, the CLO attended the Gaeltacht Glas workshop. This Workshop showcased green economy opportunities in the Gaeltacht and enabled the Applicant to share information on how the Project can enhance green economy opportunities in Connemara. ➤ The Project team undertook a two-day visit to the area, met with local groups, visited communities local to the site and completed a guided heritage coastal walk.
October 2022	<ul style="list-style-type: none"> ➤ A meeting was held with ATU Sligo and Údarás na Gaeltachta (ÚnG) to discuss the LEAP (Local Energy Agency Programs) for the Aran Islands Energy Co Op. ➤ A meeting took place with local development co-op FCL, to explore setting up a project office, meeting facilities and the development opportunities around Gteic Carna (Digital Hub) for the Sceirde Rocks project. ➤ A meeting was convened with stakeholders to discuss the Irish Language Plan for Clifden Town, focusing on its role as a Gaeltacht service town.
November 2022	<ul style="list-style-type: none"> ➤ In November 2022, the Project team visited the area, including Mynish Island, Mace Head, and Ionad na nÍmirce. ➤ The CLO attended below events to network and engage with business stakeholders, community groups and the public. This gave the Applicant an opportunity to update and inform these stakeholders about the Project and the potential opportunities going forward. <ul style="list-style-type: none"> ➤ The CLO attended the Gteic Carna Digital Connecting Event which was held, in collaboration with ÚnG, to connect Gaeltacht Gteic hubs and explore opportunities for local companies and startups. ➤ The applicant attended The Conamara Láir Energy Masterplan launch, with the local co-op unveiling its Community Energy Master Plan. ➤ The CLO attended the Business Breakfast Event which took place in Rosmuc, organized in conjunction with local development groups, the Irish Language Plan and Údarás na Gaeltachta.
December 2022	<ul style="list-style-type: none"> ➤ In December 2022, a member of the Project team spoke as part of a panel at the ÚnG / Asia Matters, Blue Economy & Marine Innovation roundtable.

Time Period	Consultation / Meeting
	<ul style="list-style-type: none"> ➤ A two-page feature article on the Project was published in the local annual yearbook for Iorras Aithneach and an advert for the Project was also placed in the same publication ➤ A press release on the MAC award was issued, and featured articles and news were published nationally and locally ➤ A foreshore licence application notice was published in local and national papers.
January 2023	<ul style="list-style-type: none"> ➤ An interview with the CLO about the foreshore licence application, including updates on the project's timeline, was aired on TG4's main news programme. ➤ A radio interview with the CLO regarding the foreshore licence application, timelines, and the CLO role in the area was conducted on Radio na Gaeltachta. ➤ Foreshore licence applications were made available for public viewing in local locations such as the Garda Station, libraries, and County Council buildings, which was featured on local radio news.
February 2023	<ul style="list-style-type: none"> ➤ The CLO attended the The Rosamhil Harbour development work launch/turning of the sod ➤ The Project team attended the funding announcement and launch event for the extension to the Ionad na nImirce centre in Carna, to share information on the Project. This was attended by local elected reps, with Údarás na Gaeltachta, Roinn na Gaeltachta, Fáilte Éireann, Galway CC and other local business and community groups in attendance. ➤ Local introductory meetings for the Project commenced with local development groups, voluntary coistes (community organisations), local development companies and co-ops, and other relevant stakeholders.
March 2023	<ul style="list-style-type: none"> ➤ An extensive radio interview with the CLO focusing on the Project, timelines, surveys, public consultations, and the Community Benefit Fund was broadcast on Radio na Gaeltachta. ➤ Project meetings with local groups and stakeholders continued.
April 2023	<ul style="list-style-type: none"> ➤ The full website for the Project went live. ➤ The website launch was featured on Radio na Gaeltachta news bulletins. ➤ The CLO attended the launch of Comortas Peile na Gaeltachta 2028 taking place in Carna, which coincided with the announcement of CLG Carna Caiseal new pitch and sport facilities development, which the Applicant has supported to date through the community support fund ➤ Project meetings continued with local residents, development groups, local development companies and co-ops
May 2023	<ul style="list-style-type: none"> ➤ The Project's success at the inaugural ORESS auction was featured in all national media and press. ➤ A press release on the ORESS success was issued in publications nationally and locally. ➤ An online meeting with Aran Island groups and development co-ops was held.
June 2023	<ul style="list-style-type: none"> ➤ The project was featured on TG4's Climate Documentary Inacadh, where CLO featured, discussing the important role of the Project in contributing to Ireland's decarbonisation, with a general overview and timeline also provided.

Time Period	Consultation / Meeting
	<ul style="list-style-type: none"> ➤ A public event was organized by the Applicant to raise awareness about the project's Community Benefit Fund. ➤ Radio and TV interviews about the event in Carna were conducted, and a press release was circulated with subsequent press and media follow-up.
July 2023	<ul style="list-style-type: none"> ➤ The CLO attended the Rossamhíl business plan event to share information on the Project and outline potential opportunities ➤ Press release was issued on the Project's partnership with the Galway Hooker Association. ➤ Ongoing meetings with local community groups and development Co-ops.
August 2023	<ul style="list-style-type: none"> ➤ Meetings were held with stakeholders at Rosamhíl Harbour including the Harbour Master, the Department of Marine, and the Irish Coastguard. ➤ Meeting was held with Connemara Airport. ➤ A meeting with Aran Island Ferries took place. ➤ An interview with the CLO was broadcast on Connemara Community Radio's Community Matters program, providing updates on the project and timelines
September 2023	<ul style="list-style-type: none"> ➤ A meeting was held with NUIG at the Martin Ryan Marine Lab Carna to discuss potential collaboration on research associated with Lobster, the main local commercial fishery. ➤ A Notice of Determination for the foreshore licence was published in national and local papers. ➤ The Project team visited the site and learned about the local heritage in discussions at the Ionad Cuimhneachain na nImirceach (local Emigration Centre).
October 2023	<ul style="list-style-type: none"> ➤ A public event for National and Local Supply Chain Business's for the Project took place with local and national suppliers invited to provide information on the opportunities for supply chain associated with the Project. ➤ Radio and TV interviews about the event in Carna were broadcast and a press release was circulated both locally and nationally. ➤ A radio interview the the CLO was broadcast on Raidió na Gaeltachta discussing the project, timelines, recent surveys, events, and public consultation.
November 2023	<ul style="list-style-type: none"> ➤ The CLO attended the Bord Iascaigh Mhara Fisheries Local Action Groups consultation event in Clifden. ➤ The CLO attended a Careers Day at Scoil Chuimhseach Chiaráin in Carraroe to promote careers in renewable energy. ➤ A Memorandum of Understanding (MOU) was signed between the Applicant and Údarás na Gaeltachta to establish and support skills and training initiatives and consider opportunities at Rosamhíl Harbour.
December 2023	<ul style="list-style-type: none"> ➤ A public information event for the Project with a focus on the Skills, Training, and Jobs was held. ➤ A radio interview with the CLO was broadcast on the Iris Aniar programme on Radio na Gaeltachta, responding to questions on a recent Offshore Industry report and outlining the upcoming public information event in Carna. ➤ An interview with the CLO was broadcast by TG4 on the 7 Lá current affairs programme from the event, answering questions about the project, providing

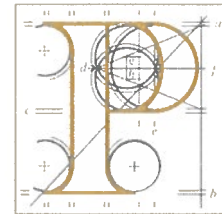
Time Period	Consultation / Meeting
	<p>an overview and timelines, inviting the public to engage with the Project, and welcoming consultation.</p> <ul style="list-style-type: none"> ➤ The CLO attended the GFI (Gníomhaireacht Fuinnimh an Iarthar) Launch in Carraroe. This was the launch of the Western Energy Scheme for retrofitting, energy efficiency and upgrading for the Gaeltacht community and Islands. ➤ A featured article was published in the Iorras Aithneach annual local yearbook, which provided an extensive update on the Project, including general information and timelines, as well as an advert by the Project. ➤ A video was published on the Project website featuring the Project's Skills and Training event, which also showcased updates to the Project.
January 2024	<ul style="list-style-type: none"> ➤ The Project Information Office opened at the Gteic building in Carna. ➤ An interview with the CLO was broadcast by TG4 on the 7 Lá programme, discussing climate targets, project timelines, the Community Benefit Fund, and opportunities for the area.
February 2024	<ul style="list-style-type: none"> ➤ An article with updates regarding the Project, the planning application, and upcoming survey works was published in the Connemara news section of the Connacht Tribune. ➤ An interview with the CLO was broadcast on Connemara Community Radio's <i>Community Matters</i> program, providing updates on the Project and future community benefits and opportunities.
March 2024	<ul style="list-style-type: none"> ➤ The Project team attended the Comhar Cumann Fuinneamh Arainn AGM & Public Meeting on Inis Mór to give a presentation on the Project and to meet with local groups and development co-ops. ➤ A business networking event, including a presentation on the Project and discussion, was held at the Gaeltacht Business Symposium in Carna, attended by over 50 businesses. ➤ Project video was published on the Project weebite which provided an overview of the project, its progress to date and works completed, and timeline going forward.
April 2024	<ul style="list-style-type: none"> ➤ The virtual consultation exhibition room linked to the project website was launched. The virtual room included new and updated project information, site maps and photomontages. ➤ A radio interview with the CLO was broadcast on Radio na Gaeltachta discussing recent Project information and informing on timelines and upcoming public information and consultation. ➤ An interview with the CLO was broadcast on TG4, discussing recent updates on the Project, and providing information on timelines and upcoming public information and consultation. ➤ The CLO attended a meeting with local community groups and Council representatives to discuss areas in need of services, upgrades, and future opportunities.
May 2024	<ul style="list-style-type: none"> ➤ An interview with the CLO was broadcast on Raidió na Gaeltachta to advertise the public consultation and describe the event, including dates and times. ➤ A Project information brochure was developed for circulation. The Brochure provides an overview of the Project, economic and community benefits, the Community Benefit Fund and contact details of the CLO.

Time Period	Consultation / Meeting
	<ul style="list-style-type: none"> Virtual reality headset was developed to give a more realistic 360° view and improved visual perspective of a selection of photomontages viewing points. The headset experience was developed in preparation for the upcoming public consultation event.
June 2024	<ul style="list-style-type: none"> A public consultation and information event was held over a four-day period in the Project Information Office, at the Gteic building in Carna, from Tuesday 11th June to Friday 14th June. Further detail is provided in Section 2.1.2 below. An interview with the CLO was broadcast by TG4 following up on the community engagement event. A series of interviews with the CLO were broadcast on Radio na Gaeltachta prior to, during and after the public consultation event.
July 2024	<ul style="list-style-type: none"> Project information office was open to the public daily with all up-to-date information on the Project, maps, images and virtual headsets available to view and use. Distribution of Project information brochure.
August 2024	<ul style="list-style-type: none"> Project information office open to the public daily with all up-to-date information on the Project, maps, images and virtual headsets available to view and use.
September 2024	<ul style="list-style-type: none"> Meetings held with Údarás na Gaeltachta to discuss Rosamhíl development, training initiatives and community benefit fund plans. Project information office open to the public daily with all up-to-date information on the Project, maps, images and virtual headsets available to view and use. Distribution of project information brochure.
October 2024	<ul style="list-style-type: none"> Project information office open to the public daily with all up-to-date information on the Project, maps, images and virtual headsets available to view and use. Distribution of project information brochure.
November 2024	<ul style="list-style-type: none"> Project information office open to the public daily with all up-to-date information on the Project, maps, images and virtual headsets available to view and use. Distribution of project information brochure.

Please refer to Appendix 2-3 of the EIAR for more details in relation to Community Consultation.

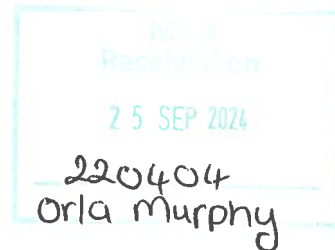
Our Case Number: ABP-317409-23

Your Reference: Fuinneamh Sceirde Teoranta



An
Bord
Pleanála

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



Date: 24 September 2024

Re: Proposed development of an offshore wind farm and associated infrastructure for Sceirde Rocks located between 5km and 11.5km off the coast of Connemara, Co. Galway.

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer further to the pre-application consultation request in relation of the above-mentioned proposed development.

Please note the Board now considers it appropriate to conclude the consultation in respect of this matter.

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

1. Minister for Housing, Local Government and Heritage;
2. Minister for the Environment, Climate and Communications;
3. Minister for Transport;
4. Minister for Defence;
5. Minister for Agriculture, Food and the Marine;
6. Environmental Protection Agency;
7. Maritime Area Regulatory Authority;
8. Minister for Rural and Community Development;
9. Marine Institute;
10. Inland Fisheries Ireland;
11. Health and Safety Authority;
12. Commission for Regulation of Utilities;

Tel	Tel	(01) 858 8100
Glao Áitiúil	LoCall	1800 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

13. Fáilte Ireland;
14. An Taisce;
15. Northern and Western Region Assembly;
16. National Transport Authority;
17. Irish Aviation Authority;
18. Sustainable Energy Authority of Ireland;
19. EirGrid;
20. Commissioner of Irish Lights;
21. Irish Coastguard;
22. Galway County Council;
23. Clare County Council.

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 the meantime, please contact the undersigned officer of the Board or email marine@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

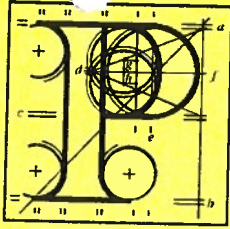
Yours faithfully,


Raymond Muwaniri
Executive Officer
Direct Line: 01-8737125

OC08A

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 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



An
Bord
Pleanála

Board Direction
BD-017497-24
ABP-317409-23

At a meeting held on 16/09/2024, the Board considered the report of the Inspector, and the documents and submissions on file.

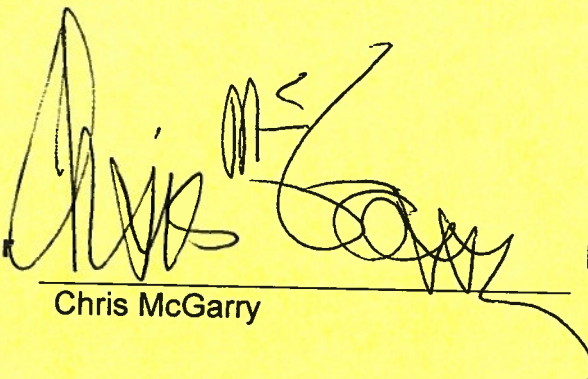
The Board determined that consultations held under Section 287 of the Planning and Development Act 2000, as amended, are now concluded.

The prospective applicant should be notified that the consultation process is closed. The prospective applicant should also be requested to send copies of the application to the attached list of bodies in accordance with Section 291(3)(b) and Section 291(3)(d) of the Planning and Development Act 2000, as amended.

List of Bodies

ATTACH LISTING AS SET OUT AT APPENDIX A OF INSPECTOR'S REPORT.

Board Member


Chris McGarry

Date: 17/09/2024

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 amended, 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 any application for leave to apply for judicial review must be made within 8 weeks of the date of the decision of the Board, save for decisions made pursuant to a function transferred to the Board under Part XIV of the Planning and Development Act 2000, where any application for leave to apply for judicial review must, as set out in sub-section 50(7), be made within 8 weeks beginning on the date on which notice of the decision of the Board was first sent (or as may be the requirement under the relevant enactment, functions under which are transferred to the Board, was first published). These time periods are subject to any extension which may be allowed by the High Court in accordance with sub-section 50(8).

Section 50A(3) states that leave for judicial review shall not be granted unless the Court is satisfied that (a) there are substantial grounds for contending that the decision is invalid or ought to be quashed and (b) 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 costs of certain judicial review proceedings in the High Court; pursuant to Section 50B(1), Section 50B applies to the following proceedings:

(a) proceedings in the High Court by way of judicial review, or of seeking leave to apply for judicial review, of—

- (i) any decision or purported decision made or purportedly made,
- (ii) any action taken or purportedly taken,
- (iii) any failure to take any action, pursuant to a statutory provision that gives effect to
 - (I) a provision of the EIA Directive 85/337/EEC as amended to which Article 10a (as inserted by Directive 2003/35/EC) of that Directive applies,
 - (II) the SEA Directive 2001/42/EC, or
 - (III) a provision of the IPPC Directive 2008/1/EC which Article 16 of that Directive applies, or
 - (IV) Article 6(3) or 6(4) of the Habitats Directive; or

(b) an appeal (including an appeal by way of case stated) to the Supreme Court from a decision of the High Court in a proceeding referred to in paragraph (a);

(c) proceedings in the High Court or the Supreme Court for interim or interlocutory relief in relation to a proceeding referred to in paragraph (a) or (b).

The general provision contained in section 50B(2) is that in proceedings to which the section applies 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 to the extent that the applicant succeeds in obtaining relief against a respondent or notice party, or both, 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.

Fógra faoi Athbheithniú Breithiúnach

Athbheithniú breithiúnach ar chinneadh an Bhoird Pleanála faoi fhorálacha na nAchtanna um Pleanáil agus Forbairt (arna leasú).

Ní fhéadfaidh duine ar mian leis nó léi agóid a dhéanamh in aghaidh bhailíocht an chinneadh Bhoird é sin a dhéanamh ach trí athbheithniú breithiúnach. Tá forálacha ann in Alt 50, 50A agus 50B den Acht um Pleanáil agus Forbairt 2000, arna leasú, maidir le dúshláin i leith bhailíocht an chinneadh Bhoird.

Ní féidir bailíocht cinnidh arna ghlacadh ag an mBord a cheistiú ach amháin trí iaratas a dhéanamh ar athbheithniú breithiúnach faoi Ordú 84 de Rialacha na nUaschúirteanna (S.I. Uimh 15 de 1986). Ceanglaíonn fo-alt 50(6) den Acht um Pleanáil agus Forbairt 2000 go gcaithfear aon iaratas ar chead chun iaratas a dhéanamh ar athbheithniú breithiúnach a dhéanamh laistigh de 8 seachtaine ó dháta chinneadh an Bhoird, seachas cinntí a dhéantar de bhun feidhme aistrithe chuig an mBord faoi Chuid XIV den Acht um Pleanáil agus Forbairt 2000, i gcás nach mór aon iaratas ar chéad chun iaratas a dhéanamh ar athbheithniú breithiúnach, mar atá leagtha amach i bhfo-alt 50(7), a dhéanamh laistigh de 8 seachtaine ag tosú ar an dáta a thugadh fógra faoi chinneadh an Bhoird ar dtús (nó mar a cheanglófar faoin Achtú ábharta, a aistríodh feidhmeanna faoi chuig an mBord, a foilsíodh den chéad uair). Tá na tréimhsí ama seo faoi réir aon síneadh a fhéadfaidh an Ard-Chúirt a cheasú de réir fho-alt 50(8).

Sonraítear in alt 50A(3) nach deonófar cead d'athbheithniú breithiúnach mura bhfuil an Chúirt sásta (a) go bhfuil forais shubstaintiúla ann chun a áitiú go bhfuil an cinneadh neamhbhaillí nó gur chóir é a chuir ar neamhní agus (b) go bhfuil leas leordhóthanach ag an iaratasóir san ábhar is ábhar don iaratas nó i gcásanna a bhaineann le measúnú tionchair timpeallachta ar comhlacht é a chomhlíonann critéir shonraithe.

Tá forálacha ann in alt 50B maidir le costais imeachtaí athbheithnithe bhreithiúnaigh áirithe san Ard-Chúirt; de bhun Alt 50B(1), tá feidhm ag alt 50B maidir leis na himeachtaí seo a leanas:

(a) imeachtaí san Ard-Chúirt mar athbheithniú breithiúnach, nó trí chead a lorg chun iaratas a dhéanamh ar athbheithniú breithiúnach ar—

- (i) aon chinneadh nó cinneadh airbheartaithe a rinneadh nó a airbheartaítear a rinneadh,
- (ii) aon ghníomh a rinneadh nó a airbheartaítear a rinneadh,
- (iii) aon mhainneachtain aon ghníomh a dhéanamh, de bhun forála reachtúla a thugann éifeacht
 - I. d'fhoráil de Threoir EIA 85/337/CEE arna leasú lena mbaineann Airteagal 10a (arna cur isteach le Threoir 2003/35/CE) den Treoir sin, nó
 - II. do Threoir SEA 2001/42/CE, nó
 - III. d'fhoráil de Threoir IPPC 2008/1/CE a bhfuil feidhm ag Airteagal 16 den Treoir sin maidir lei, nó
 - IV. d'Airteagal 6(3) nó 6(4) den Treoir maidir le Gnáthóga, nó

(b) achomharc (lena n-áirítear achomharc de chás ráite) chun na Cúirte Uachtaraí i gcoinne breithe ón Ard-Chúirt in imeacht dá dtagraítear i mír (a);

(c) imeachtaí san Ard-Chúirt nó sa Chúirt Uachtarach le haghaidh faoisimh eatramhach nó idirbhreitheach i ndáil le himeacht dá dtagraítear i mír (a) nó (b).

Is í an fhoráil ghinearálta atá in alt 50B(2) ná go n-íocfaidh gach páirtí in imeachtaí lena mbaineann an t-alt a chostais féin. Féadfaidh an Chúirt áfach, costais a dhámhachtain in aghaidh aon pháirtí in imithosca sonraithe. Tá foráil ann freisin go ndéanfaidh an Chúirt costais imeachtaí nó chuid de chostais den sort sin a dhámhachtain d'iaratasóir, a mhéid a éiríonn leis an iaratasóir faoiseamh a fháil, i gcoinne freagróra nó páirtí fógra, nó an dá chean, a mhéid a chuir an chaignean nó an t-easnamh ar thaobh an fhreagróra nó an pháirtí fógra go pairteach leis an bhfaoiseamh atá á fháil.

Tá eolas ginearálta ar nósanna imeachta athbheithnithe bhreithiúnaigh ar fáil anseo a leanas www.citizensinformation.ie.

Séanadh: Mar eolas atá an méid thuas ceaptha. Ní airbheartaíonn sé a bheith ina léirmhíniú ceangailteach ó thaobh dlí ar na forálacha ábhartha agus bheadh sé inmholta do dhaoine atá ag smaoineamh ar chaignean dlí comhairle dlí a lorg.