



An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

Galetech Energy Services  
Cavan: Clondargan, Stradone, Co. Cavan, Ireland, H12 NV06  
Cork: Unit 2 Airport East Business Park, Farmers Cross,  
Kinsale Road, Cork, Ireland

t: +353 (0)49 555 5050  
e: [info@galetechenergy.com](mailto:info@galetechenergy.com)  
w: [www.galetechenergyservices.com](http://www.galetechenergyservices.com)

12 November 2024

Our Ref: SEV001SS  
Your Ref: --/--

Dear Sir/Madam,

Re: Planning application for a 110 kilovolt electricity substation, approximately 7.5 kilometres of underground electricity line and all associated works at Moyvannan, Feamore, Lisbaun, Carrownolan, Carrowncloghan, Carrowkeeney, Ardmullan, Curraghboy, Gortnasythe, Derryglad, Eskerbaun, and Brideswell, County Roscommon.

On behalf of our client, Energia Renewables ROI Limited ('the Applicant'), please find enclosed a Strategic Infrastructure Development (SID) planning application for the abovementioned proposed development in accordance with Section 182A of the Planning and Development Act 2000 (as amended) ('the Act').

This planning application is being made directly to An Bord Pleanála following its determination of 25 October 2024 that the proposed development constitutes a SID and that the application must be made directly to it in the first instance ([Reference ABP-319042-24](#)).

### 1.0 Background to this Proposed Development

Planning permission was granted by An Bord Pleanála in November 2023 for the development of a 17 no. turbine wind energy development and associated infrastructure (known hereafter as the 'Seven Hills Wind Farm') pursuant to [Reference ABP-313750-22](#).

The permitted Seven Hills Wind Farm includes grid connection infrastructure to export the renewable electricity generated to the national grid network via the existing Athlone 110kV electricity substation at Monksland, County Roscommon ('the Athlone substation'). The permitted grid connection comprises a c. 11km 110kV underground cable within the carriageways of the R362, R363 and L2047 public roads.

Prior to the submission of the planning application, and throughout the subsequent application process, a connection to the Athlone substation was assessed to be the most appropriate point of connection. However, due to subsequent factors entirely beyond the Applicant's control, it is now assessed that a connection to the Athlone substation is no longer optimal.

The Applicant is advised that several third party developments have also proposed to connect to the Athlone substation and the electrical capacity to be consumed by

these projects is likely to preclude the connection of the Seven Hills Wind Farm unless significant upgrade works are undertaken to the Athlone electricity substation.

Furthermore, due to the grid connection processing system operated by the transmission system operator (EirGrid), all developments are required to connect to the national electricity network chronologically according to the date of their connection offer. The Applicant is also advised that at least 2 no. third party developments are now likely to be prioritised for connection to the Athlone substation in advance of the Seven Hills Wind Farm.

Accordingly, the Applicant has sought to examine alternative means of connecting to the national electricity network. The various alternatives assessed are described in detail at Chapter 2 (Volume I) of the enclosed Environmental Impact Assessment Report (EIAR). For technical and environmental reasons, the proposed development has now been selected as a suitable alternative and is therefore the subject of this planning application.

It should be noted that, while a connection to the Athlone substation is no longer currently assessed to be achievable, it remains possible that a connection could be achievable in the future should one or more of the aforementioned third party developments not proceed.

Nevertheless, it is currently proposed by the Applicant, and based on best available information, that the Seven Hills Wind Farm will connect to the national electricity network via the now-proposed development. As a consequence, the underground electricity line permitted under Reference ABP-313750-22 will no longer be required to be constructed in full. Accordingly, subject to a grant of planning permission, the Applicant will subsequently seek to alter the Seven Hills Wind Farm planning permission via a future request under Section 146B of the Act to omit the relevant part of the underground electricity cable which will no longer be required.

## 2.0 Description of the Proposed Development

The planning application seeks a 10-year planning permission for a proposed development generally described as follows:-

- i. A 110 kilovolt (kV) 'loop-in/loop-out' Air-Insulated Switchgear (AIS) electricity substation, including a single-storey control building (with a Gross Floor Area of 450 square metres) and all associated electrical equipment and services within a 2.6 metre high fenced compound (with a total footprint of approximately 8,500 square metres);
- ii. Replacement of 1 no. existing wooden pole-set with 2 no. lattice-type interface masts, each of which will be between 15 and 18 metres in height, to facilitate connection of the 110kV underground electricity lines to the existing Athlone-Lanesborough 110kV overhead electricity transmission line;
- iii. Approximately 270 metres of 110kV underground electricity line between the electricity substation and the interface masts;
- iv. Approximately 630 metres of access tracks with associated upgrade works to an existing agricultural entrance from the L7551 local road;
- v. Approximately 7.5 kilometres of 110kV underground electricity line between the electricity substation and the junction of the L7636 local road and R363 regional road where the electricity line will connect to electricity cables permitted as part of the Seven Hills Wind Farm (An Bord Pleanála Reference ABP-313750-22). The electricity line will be placed within private lands and within the carriageway of the L7551, L7556, L2018, L7731, R362, L2023, and L7636; and,

- vi. All associated and ancillary site development, excavation, construction, landscaping and reinstatement works and the provision of site drainage infrastructure and surface water protection measures.

### 3.0 National, Regional and Local Planning Policy Context

#### 3.1 National Planning Policy

##### 3.1.1 National Planning Framework

*Project Ireland 2040: The National Planning Framework* ('the NPF'), published in February 2018, sets out a high level, strategic planning and development framework for the country in order to ensure that development is economically, socially and environmentally sustainable in line with population growth. The NPF sets out to guide and direct public and private investment, to create and promote opportunities for the public and to protect and enhance the environment through a single shared set of goals known as National Strategic Outcomes (NSOs). The NPF identifies the role of renewable energy sources in our transition to a low carbon energy future throughout the document.

National Strategic Outcome 8 establishes the national objective of achieving a transition to a low carbon, climate resilient and environmentally sustainable economy by 2050. This objective will require investment in new energy systems and transmission grids to ensure a well distributed energy system.

The *Draft First Revision to the National Planning Framework* ('the Draft NPF') was published in July 2024. The Draft NPF reiterates the requirement to transition to a low carbon and climate resilient economy. The Draft NPF recognises the essential requirement for the accelerated delivery of renewable energy generation in order for Ireland to meet its binding, timebound targets of 80% renewable energy generation by 2030. The Draft NPF includes a target of almost 1.4 gigawatts in the Northern & Western Region, or 35% of the national total, and acknowledges that "**Renewable energy generation cannot be considered in isolation from its means of connection to both the national electricity transmission and lower-voltage distribution grids**".

In the context of the NPF and the Draft NPF, the delivery of electrical transmission infrastructure is recognised to be of critical importance in the delivery of renewable energy targets. Therefore, it is evident that the proposed development; comprising electrical infrastructure to facilitate the connection of the permitted Seven Hills Wind Farm to the national electricity network; is supported by national planning policy.

##### 3.1.2 National Development Plan 2021-2030

The *National Development Plan 2021-2030* ('the NDP') sets out a series of Strategic Investment Priorities; one of which relates to energy and, in particular, the decarbonisation of the Irish energy system. The NDP recognises that significant expansion and strengthening of the electricity transmission and distribution grid will be required to connect renewable energy generation developments to electricity consumers.

The proposed development, in accommodating the connection of the permitted Seven Hills Wind Farm to the electricity network; will serve to both strengthen the electricity network in County Roscommon and enable the delivery of renewable electricity.

### 3.2 Regional Planning Policy

At a regional level, the principal purpose of the Northern & Western Regional Assembly's *Regional Spatial and Economic Strategy 2020-2032* (RSES) is to support the implementation of Project Ireland 2040 through translating the NSOs to a regional scale. In order to deliver on the RSES's Strategic Vision, the RSES includes eight growth ambitions aligned to the UN Sustainable Development Goals to embed a coherent policy hierarchy and to ensure that future investment is targeted towards identified strategic policy goals. It is recognised in the RSES that there is over-reliance on non-indigenous supplies of fossil fuel energy and that there is a need to better leverage natural resources to increase the share of renewable energy.

In support of the Growth Ambitions, a series of Regional Policy Objectives (RPO's) have been established which are intended to set the framework for lower tier county development plans to support the increase in the amount of new renewable energy sources in the region, including the development of a more integrated and strengthened electricity transmission network. Since 2010, it is a legal requirement that county development plans are consistent with the RSES and NPF, as higher tier plans in the hierarchy. RPO 8.1 states that *"The Assembly support the necessary integration of the transmission network requirements to allow linkages with renewable energy proposals at all levels to the electricity transmission grid in a sustainable and timely manner."*

### 3.3 Local Planning Policy

In accordance with these overarching national and regional policies, the *Roscommon County Development Plan 2022-2028* ('the Roscommon CDP') is strongly supportive of climate action and provides clear strategic aims and policies to tackle climate change at the local level. The Roscommon CDP states that Roscommon County Council will continue to work towards achieving national renewable energy generation targets by promoting and facilitating such generation throughout the county.

As the proposed development will facilitate the connection of the permitted Seven Hills Wind Farm to the national electricity network, CAEE 8.3; which states that the Planning Authority will *"Support developments and actions that assist in achieving the national targets for energy from renewable energy, from renewable resources and reducing greenhouse gas emissions associated with energy production"* is of particular relevance to the subject proposed development.

CAEE 8.9 further sets out that *"The Council will require comprehensive studies to be undertaken for all technical and environmental considerations to inform the assessment of proposed transmission routes."* The Applicant submits that the proposed development, through the assessment of the EIAR and Natura Impact Statement (NIS) has been the subject of a comprehensive, rigorous and robust environmental assessment.

## 4.0 SID Determination & Prospective Application Consultations

### 4.1 SID Determination

In accordance with Section 182E, the Applicant entered into prospective application consultations with An Bord Pleanála in February 2024 to determine whether the proposed development constituted SID (Reference ABP-319042-24).

Following the completion of the pre-application consultations, An Bord Pleanála served notice, on 30 October 2024, of its determination that the proposed

development constitutes a SID and that a planning application for same must be made directly to it pursuant to Section 182A of the Act and not to the relevant local planning authority (see Annex 1 enclosed).

#### 4.2 Matters to be Considered

During the course of the pre-application consultations, An Bord Pleanála's representatives also provided guidance to the Applicant, in accordance with Section 182E(2), as to what considerations relating to proper planning and sustainable development and the environment may, in the opinion of An Bord Pleanála, have a bearing on its decision in relation to a planning application pursuant to Section 182A, alongside the procedures involved in making such an application. The matters that the Applicant was advised to consider and address in the planning application included:-

- The relationship of the proposed development to the permitted Seven Hills Wind Farm;
- The effects of the proposed development on surface water features, including Lough Ree and turloughs present in the environs of the proposed development site; and,
- The effect of the proposed development on the local road network and the management of traffic during the construction phase.

Each of these aforementioned matters have been fully addressed in the enclosed planning application, including in this Planning Statement; the EIAR and NIS submitted; and all other plans and particulars with the application.

#### 5.0 Stakeholder Consultation

##### 5.1 Community Consultation

In advance of the submission of this planning application, the Applicant undertook extensive public consultation throughout the design of the proposed development and EIAR process. In June 2024, door-to-door visits were undertaken with local residents together with leaflet drops. In addition, a public information event was held on 19 June 2024 at the St. Brigid's GAA Club, Kiltoom, County Roscommon where members of the public and community groups were afforded the opportunity to discuss the proposed development directly with the Applicant's representatives.

The public consultation process was managed by a dedicated Community Liaison Officer and structured and managed to ensure clarity and consistency, and to maintain an objective and factual approach. A website was also established where members of the public concerned could view details of the proposed development, receive updates on public consultation and to contact the Applicant via email or a freephone number ([www.moyvannansubstation.ie](http://www.moyvannansubstation.ie)).

A full *Community Consultation Report* documenting the entire public consultation process is presented at Annex 1.6 (Volume II) of the EIAR.

The community consultation process, which has been undertaken in accordance with the *Draft Revised Wind Energy Development Guidelines 2019* and the Department of Environment, Climate and Communication's *Code of Practice for Wind Energy Development*, facilitated the early identification of potential concerns of the public in respect of the proposed development and a more focused consideration of likely significant effects, including the identification of design modifications and opportunities to incorporate mitigation measures into the design process.

## 5.2 Planning Authority Consultation

As part of the pre-application consultation process, An Bord Pleanála identified Roscommon County Council ('the Planning Authority') as the applicable planning authority for the proposed development. Full details of all consultations, including written correspondence and meetings, are provided in Chapter 1 (Volume I) of the EIAR submitted.

In summary, the Applicant sought advice from the Planning Authority as to the matters which, in its opinion, ought to be considered in the planning application and assessed within the respective environmental assessments. A *Preliminary Scoping Report* was prepared and provided to the Planning Authority in order to provide sufficient information on the proposed development and its possible likely significant environmental effects. However, a response was not received from the Planning Authority.

A consultation meeting with representatives of the Roscommon County Council Roads Department and Athlone Municipal District Office was held on 28 June 2024. During the meeting, the proposed development was described in detail followed by an open discussion on various matters including *inter alia* the design features of the proposed development to ensure the protection of the public road network and measures to ensure the appropriate management of traffic during the construction phase. The representatives of Roscommon County Council provided recommendations regarding interactions with watercourse bridging structures, culverts and road reinstatement requirements.

Subsequently, a consultation meeting with the Planning Authority (attended by representatives of the Planning Department, Environment Department and Athlone Municipal District Office) was held (online) on 11 October 2024. During the meeting the proposed development was described in detail followed by a discussion on matters to be addressed in the SID planning application and EIAR including, *inter alia*, biodiversity, land & soil, water, landscape, cultural heritage, noise, and transport & traffic.

## 6.0 Environmental Impact Assessment

A full EIAR has been submitted with this planning application to inform the Environmental Impact Assessment (EIA) of the proposed development ('the project') to be carried out by An Bord Pleanála. All matters raised by An Bord Pleanála during pre-application consultations are addressed in the EIAR. The EIAR is presented as 2 no. volumes, which should be read in conjunction with each other, as follows:-

- Volume I comprises the main EIAR text and follows a 'grouped format' structure where each environmental factor is assessed and presented as a separate chapter. The EIA Directive prescribes the range of environmental factors which should be used to organise descriptions of the environment and likely environmental effects. These have been supplemented with additional environmental factors owing to the characteristics of the project under assessment, as follows:-
  - Chapter 1: Introduction;
  - Chapter 2: Assessment of Project Alternatives;
  - Chapter 3: Description of the Project;
  - Chapter 4: Population & Human Health;
  - Chapter 5: Biodiversity;
  - Chapter 6: Land & Soils;
  - Chapter 7: Water;

- Chapter 8: Air Quality & Climate;
- Chapter 9: Landscape;
- Chapter 10: Cultural Heritage;
- Chapter 11: Noise & Vibration;
- Chapter 12: Material Assets; and,
- Chapter 13: Interactions of the Foregoing; and,
- Volume II comprises a range of annexes, including technical data and reports, which informed the impact assessment provided in Volume I so as to ensure the EIA is transparently supported by evidence. All environmental mitigation measures, as prescribed within the EIA, have also been compiled into a standalone document and submitted at Volume II.

A Non-Technical Summary of the EIA is also provided as a separate standalone volume in order to facilitate the wider public concerned in their involvement in the statutory consultation during the planning application determination stage.

As is required, an EIA Portal submission confirmation notice accompanies this planning application in accordance with the Planning & Development Regulations 2001 (as amended).

## 7.0 Appropriate Assessment

Following the completion of a Stage 1 Appropriate Assessment Screening Assessment, a full Natura Impact Statement (NIS) (Stage 2) has been prepared and submitted with this planning application. The NIS is presented as a separate, standalone document and submitted to inform a Habitats Directive Appropriate Assessment to be carried out by An Bord Pleanála pursuant to Council Directive 92/43/EEC and Birds Directive 2009/147/EC. The NIS addresses the entirety of the proposed development, including relevant cumulative, off-site, and secondary developments.

The NIS concludes that the proposed development will not, beyond reasonable scientific doubt, undermine the conservation objectives of any European site or adversely affect the integrity of any Natura 2000 site either directly or indirectly.

## 8.0 Permission Period

A 10-year planning permission is being applied for in respect of this proposed development. That is, planning consent would remain valid for 10-years following the final grant of planning permission. We note that the *Wind Energy Development Guidelines for Planning Authorities 2006* state that:-

*“Planning Authorities may grant permission for a duration longer than 5 years if it is considered appropriate, for example, to ensure that the permission does not expire before a grid connection is granted. It is, however, the responsibility of the applicants in the first instance to request such longer durations in appropriate circumstances”.*

While acknowledging that the proposed development comprises a connection to the national grid for an extant permitted wind energy development, a 10-year planning permission is considered appropriate for a development of this nature to ensure all required supplementary statutory consents and licenses can be put in place.

## 9.0 Operational Duration

The proposed electricity substation (and ancillary electrical infrastructure) will, once operational, become a ‘node’ on the national electricity network and will be operated and maintained by ESB Networks and/or EirGrid as part of the electricity

network. Consequently, the proposed development does not have a specified operational period and decommissioning of the proposed development is not proposed.

## 10.0 Site Notices

7 no. site notices have been erected in respect of this proposed development at appropriate locations so as to be easily visible and legible by the public concerned.

The site notices will be monitored on a regular basis by the Applicant to ensure, to the best possible extent, that they remain *in situ* and are not otherwise defaced or become illegible. In the event that notices are removed or tampered with, the Applicant will seek to ensure that they are replaced as quickly as possible.

## 11.0 Planning Application Documentation

An Bord Pleanála will find enclosed all of the required planning application plans and particulars, which includes:-

- Completed Planning Application Form;
- Site Notice;
- Copy of each Newspaper Notice (2 no.);
- EIA Portal Confirmation Notice;
- **Planning Application Fee (€100,000);**
- Planning Application Notification Letter issued to Roscommon County Council;
- Planning Application Notification Letter issued to each prescribed body;
- Planning Application Drawings (see Schedule of Drawings attached to the Planning Application Form);
- Environmental Impact Assessment Report;
  - Volume I – Assessment of Proposed Development;
  - Volume II – Technical Annexes in support of Volume I;
  - Non-Technical Summary; and
- Natura Impact Statement.

As instructed by the Board, 2 no. hard copies and 8 no. digital/soft copies of all planning application plans and particulars have been provided. In addition, 1 no. hard copy and 1 no. digital/soft copies have been furnished to Roscommon County Council. Furthermore, all planning application and associated documentation is available to view at the dedicated website [www.moyvannansubstation.ie](http://www.moyvannansubstation.ie).

The Applicant was also instructed by An Bord Pleanála in its SID determination to furnish copies of the planning application to each of the prescribed bodies listed at Table 1. Each of the prescribed bodies have been advised of the URL of the website where all planning application documentation can be viewed and downloaded.

Prescribed Body	Means of Receiving Planning Application Documentation	Date Issued
An Chomhairle Ealaíon	Notified of URL of dedicated website	12 November 2024
An Taisce	Notified of URL of dedicated website	12 November 2024
Department of Defence	Notified of URL of dedicated website	12 November 2024
Environmental Protection Agency	Notified of URL of dedicated website	12 November 2024
Fáilte Ireland	Notified of URL of dedicated website	12 November 2024
Inland Fisheries Ireland	Notified of URL of dedicated website	12 November 2024
Irish Aviation Authority	Notified of URL of dedicated website	12 November 2024
Minister for Agriculture, Food and	Notified of URL of dedicated website	12 November 2024



the Marine		
Minister for the Environment, Climate & Communications	Notified of URL of dedicated website	12 November 2024
Minister for Housing, Local Government and Heritage	Notified of URL of dedicated website	12 November 2024
Minister for Tourism, Culture, Arts, Gaeltacht, Sports and Media	Notified of URL of dedicated website	12 November 2024
Minister for Transport	Notified of URL of dedicated website	12 November 2024
Roscommon County Council	1 no. hard copy and 1 no. digital/soft copy	12 November 2024
Office of Public Works	Notified of URL of dedicated website	12 November 2024
The Heritage Council	Notified of URL of dedicated website	12 November 2024
Transport Infrastructure Ireland	Notified of URL of dedicated website	12 November 2024
Uisce Éireann (Irish Water)	Notified of URL of dedicated website	12 November 2024

Table 1: Notified Prescribed Bodies

## 12.0 Conclusion

This planning application is being lodged with An Bord Pleanála following a determination that the proposed development constitutes a SID.

Government policy recognises that onshore wind energy will continue to be the major contributor to Ireland's renewable electricity generation to 2030. As the purpose of the proposed development is to facilitate the connection of the permitted Seven Hills Wind Farm to the national electricity network, the proposed development, in combination with the Seven Hills Wind Farm, will make a substantial contribution to the achievement of Ireland's binding renewable energy generation and greenhouse gas abatement targets.

The EIAR submitted with this planning application provides a comprehensive assessment of the likelihood of significant environmental effects arising as a result of the proposed development, both individually and in-combination with other existing, permitted, and proposed developments, including the permitted Seven Hills Wind Farm. Overall, the EIAR concludes that any likely adverse environmental effects resulting from the proposed development can be adequately mitigated such that there will be no likely significant environmental effects, including in-combination effects, in respect of population and human health, biodiversity, land and soil, water, landscape, noise, and transport and access. The NIS submitted with the application also concludes that the proposed development will not undermine the conservation objectives or adversely affect the integrity of any Natura 2000 site, either directly or indirectly.

Having regard to the above, we respectfully request that An Bord Pleanála grant planning permission for the proposed development. We trust that the plans and particulars submitted are in order and sufficient for your consideration of this planning application. Should you have any queries in relation to any of the information enclosed, please do not hesitate to contact this office.

Yours sincerely,

*Galetech Energy Services*

Galetech Energy Services

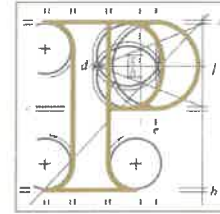
Annex 1 –  
Strategic Infrastructure Development Determination





**Our Case Number:** ABP-319042-24

**Your Reference:** Energia Renewables ROI Limited



**An  
Bord  
Pleanála**

Galetech Energy Services  
Clondargan  
Stradone  
Co. Cavan  
H12 NV06

**Date:** 30 October 2024

**Re:** 110kV 'loop-in loop-out' electricity substation and approximately 6.5km of underground electricity cables  
Moyvannan, Feamore, Lisbaun, Lissygreaghan, Gortacoosan, Ballycreggan, Corrantotan, Knocknanool and Ballymullavill Co. Roscommon

Dear Sir / Madam,

Please be advised that following consultations under section 182E of the Planning and Development Act 2000, as amended, the Board hereby serves notice that it 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 has decided that the proposed development would be strategic infrastructure within the meaning of section 182A of the Planning and Development Act 2000, as amended. Any application for approval for the proposed development must therefore be made directly to An Bord Pleanála under section 182A(1) 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.

The following 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 Culture, Heritage and Gaeltacht (Development Applications Unit)
3. Minister for Agriculture, Food and the Marine
4. Minister for Communications, Climate Action and Environment
5. Minister for Transport, Tourism, and Sport
6. Roscommon County Council

**Teil**  
**Glaio Áitiúil**  
**Facs**  
**Láithreán Gréasáin**  
**Ríomhphost**

**Tel**  
**LoCall**  
**Fax**  
**Website**  
**Email**

(01) 858 8100  
1800 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

7. Irish Water
8. Inland Fisheries Ireland
9. Transport Infrastructure Ireland
10. Environmental Protection Agency
11. The Heritage Council
12. An Taisce
13. An Chomhairle Ealaíon
14. Fáilte Ireland
15. Irish Aviation Authority
16. Department of Defense
17. Office of Public Works

Further notifications should also be made where deemed appropriate.

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.

In accordance with the fees payable to the Board and where not more than one pre-application meeting is held in the determination of a case, a refund of €3,500 is payable to the person who submitted the pre-application consultation fee. As a meeting was not required / only one meeting was required in this case, a refund of 3,500 will be sent to you in due course.

The following 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.

#### **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(7) 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

<b>Tel</b>	<b>Tel</b>	(01) 858 8100
<b>Glaó Áitiúil</b>	<b>LoCall</b>	1800 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	www.pleanala.ie
<b>Ríomhphost</b>	<b>Email</b>	bord@pleanala.ie

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

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](http://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.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email [sids@pleanala.ie](mailto:sids@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

VC11A

<b>Tel</b>	<b>Tel</b>	(01) 858 8100
<b>Glaó Áitiúil</b>	<b>LoCall</b>	1800 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
<b>Ríomhphost</b>	<b>Email</b>	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

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

