

## Noeleen Keavey

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**From:** Derek Luby <dluby@slrconsulting.com>  
**Sent:** 03 August 2018 16:19  
**To:** Noeleen Keavey  
**Cc:** Ewa Babiarczyk  
**Subject:** Unsolicited Additional Information : Roadstone Ltd. : Waste Licence Application Ref. W0293-01 Calary Quarry Inert WRF  
**Attachments:** ABP\_Calary.pdf

### UNSOLICITED ADDITIONAL INFORMATION

Dear Ms. Keavey

I wish to advise that planning permission in respect of the proposed backfilling and restoration of Calary Quarry using imported / recovered soil and stone was approved by An Bord Pleanála on Wednesday last, 1 August 2018. A copy of the planning permission is attached for your information.

Can you please ensure that this information is passed to the inspector / licensing team handling the waste licence application for inert soil recovery at this location (Ref. W0293-01) in the interests of expediting the Agency's review and determination of the application.

Yours sincerely



Derek Luby

Technical Director - Geotechnical Engineering

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SLR Consulting Ireland  
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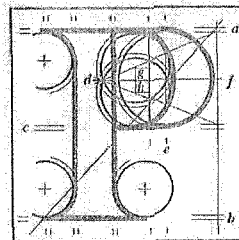
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Our Ref: PL 27.248297  
P.A.Reg.Ref: 16/574

Your Ref: Roadstone Ltd.



An  
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SLR Consulting  
7 Dundrum Business Park  
Windy Harbour  
Dublin 14

- 3 AUG 2018

- 2 AUG 2018

**Appeal**                    **Re:** Restoration of quarry, establishment of inert soil waste recovery facility, service infrastructure and temporary stockpiling, Calary Quarry, Killough Upper and Glencap Commons Upper, Kilmacanogue, Co. Wicklow.

Dear Madam,

An order has been made by An Bord Pleanála determining the above-mentioned appeal under the Planning and Development Acts 2000 to 2017. A copy of the order is enclosed.

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 any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website ([www.pleanala.ie](http://www.pleanala.ie)). 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 Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

In cases where a grant of (full) planning permission is notified by the Board, it is policy to include a copy of the Department of the Environment and Local Government's Leaflet PL11 - **Guide to the Building Control System** and a copy of the Health and Safety Authority's leaflet **Safety and Health on Construction Projects - The Role of Clients** with the notification. These leaflets are issued at the request of the above bodies.

A further enclosure contains information in relation to challenges by way of judicial review to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

Yours faithfully,

Miriam Baxter  
Executive Officer

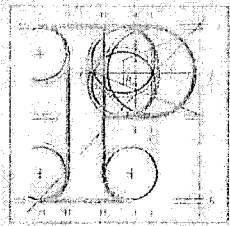
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An  
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**Board Order  
PL 27.248297**

**Planning and Development Acts 2000 to 2017**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 16/574**

**Appeal** by Albert Kerr of 92 Seacrest, Bray, County Wicklow against the decision made on the 10<sup>th</sup> day of March, 2017 by Wicklow County Council to grant subject to conditions a permission to Roadstone Limited care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Harbour, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (i) Restoration of a large quarry void created by previous extraction of bedrock by backfilling to former ground level and establishing a heathland/grassland habitat similar to that which existed prior to quarrying; (ii) establishment of an inert soil waste recovery facility to provide for the importation of approximately 3,280,000 tonnes of natural inert waste materials, principally excess soil, stone and/or broken rock to backfill the quarry void; (iii) construction of temporary site and services infrastructure including site office, staff welfare facilities, weighbridge (with dedicated office), wheelwash, settlement ponds, pumphouse, hardstand areas, fuel and water storage tanks, waste inspection and quarantine facility and storage sheds; (iv) temporary stockpiling of topsoil pending reuse as cover material for final restoration of the site all at Calary Quarry, Killough Upper and Glencap Commons Upper, Kilmacanogue, County Wicklow.

## Decision

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

Having regard to the provisions of the Eastern-Midlands Region Waste Management Plan 2015-2021, to the provisions of the Wicklow County Development Plan 2016 – 2022, to the planning history of the site and its permitted use as a quarry and to the requirement to obtain a Waste Management Licence from the Environmental Protection Agency under the Waste Management Act 1996, as amended, it is considered that the proposed development, subject to compliance with the conditions set out below, would not give rise to water pollution, traffic hazard or injury to the visual amenity of the area or the residential amenity of property in the vicinity. The restoration of the existing quarry void to its former ground level would have a positive landscape effect. The current need for an inert waste recovery facility for south Dublin and north east Wicklow has also been established. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on Wicklow Mountains Special Protection Area (Site Code number 004040) or any other European site, in view of the Conservation Objectives for those sites. The Board was satisfied that a Stage 2 Appropriate Assessment and submission of a Natura Impact Statement is not, therefore, required.

## **Environmental Impact Assessment**

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- the nature, scale, extent and location of the proposed development;
- the Environmental Impact Statement submitted with the application,
- the documents on file including the submissions from the planning authority and from the parties and observer lodged in the course of the application and appeal,

- the requirement to obtain a Waste Management Licence from the Environmental Protection Agency under the Waste Management Act 1996, as amended, and
- the Inspector's report.

The Board considered that the Environmental Impact Statement identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board completed an Environmental Impact Assessment in relation to the subject development, by itself and in combination with other development in the vicinity, and agreed with the Inspector in her assessment of the likely significant effects of the development, and agreed with her conclusions on the acceptability of the mitigation measures proposed. The Board concluded that, subject to the implementation of the mitigation measures proposed, and subject to the following conditions, the effects of the proposed development on the environment would be acceptable. In doing so, the Board adopted the report of the Inspector.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 18<sup>th</sup> day of January 2017 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Development shall not commence until a licence under the Waste Management Act 1996, as amended, has been granted by the Environmental Protection Agency.

**Reason:** In the interest of clarity and environmental protection.

3. The developer shall establish, maintain and implement an invasive species management plan having regard to relevant published guidance and codes of practice. The plan shall be prepared by an appropriately qualified consultant. Details of the invasive species management plan shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of nature conservation and to prevent the possible spread of invasive species.

4. The developer shall submit by 31<sup>st</sup> January annually, for the lifetime of this grant of permission, a record of the quantity of material imported into the site and details, including drawings based on an up-to-date 3D topographic survey which facilitates the planning authority to monitor the progress of the phases of restoration.

**Reason:** In order to facilitate monitoring and control of the development by the planning authority.

5. Details of road signage, warning the public of the entrance, and of proposals for traffic management at the site entrance, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety.



6. Operations shall occur between 0700 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays only. No activity shall take place outside these hours or on Sundays or public holidays.

**Reason:** In order to protect the residential amenities of property in the vicinity.

7. A maximum of 3,280,000 tonnes of material shall be imported into the site within the lifetime of this grant of permission.

**Reason:** In the interest of clarity.

8. (a) During backfilling operations, the site shall be screened in accordance with a scheme of screening measures and boundary treatment, details of which shall include all planting proposed on existing and proposed screen berms, details of the ongoing care and management of such planting as well as details of an adequate barrier to prevent unrestricted access to the site from adjacent lands, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) A detailed landscape plan, which shall include details of all planting, hedging and boundary treatment to be undertaken on completion of backfilling, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to safeguard the amenities of residential property in the vicinity during the operating phase of the development.

9. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of road improvement works to the R755 regional road. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

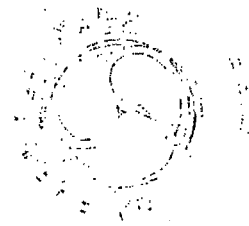
10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.


**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory restoration of the site in the interest of visual amenity.

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A handwritten signature in black ink, appearing to read 'Eugene Nixon', is written over a solid horizontal line.

**Eugene Nixon**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

Dated this 1<sup>st</sup> day of August 2018

**19. How long should it take to get a Disability Access Certificate/ Revised Disability Access Certificate?**

Normally two months, but this may be extended by written agreement between the applicant and the building control authority, e.g. when the authority seeks further information on your application. Both certificates may be granted with or without conditions, or refused.

**20. Can I appeal if I am refused a Disability Access Certificate/ Revised Disability Access Certificate?**

Yes. An applicant for either certificate can appeal to An Bord Pleanála against a refusal within one month of the decision (details of the appeal fee are available from your local authority or An Bord Pleanála).

**21. Do the Regulations have specific requirements for access for people with disabilities?**

Yes. Part M of the Regulations aims to ensure that buildings other than dwellings are accessible and usable by people with disabilities. From 1 January 2001 all new dwellings must be visitable by people with disabilities. The requirements cover the access and use of buildings, provision of sanitary facilities, audience or spectator facilities.

**Technical Guidance Document M 2000 - Access for People with Disabilities provides guidance on the provision of:**

- ◆ at least one entrance accessible to wheelchair users;
- ◆ an internal layout which allows disabled people to circulate freely;
- ◆ a passenger lift in buildings above a certain size;
- ◆ a proportion of hotel guest bedrooms suitable for disabled people;
- ◆ wheelchair spaces in theatres, cinemas, concert halls and sports stadiums; and
- ◆ facilities for people with hearing impairments in theatres, cinemas, concert halls and places of religious worship.

Part M of the Regulations is currently under review and an updated Part M/TGD-M will be published in 2010

The law governing Building Regulations and procedures is primarily set out in the Building Control Acts 1990, and 2007, the Building Regulations, 1997-2009 and the Building Control Regulations, 1997-2009. These may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2 (Phone 01-6476995/4).

This leaflet is a simple guide to understanding the building control system, which applies to the design and construction of new buildings, extensions and material alterations to and certain changes of use of existing buildings.

The leaflet is intended as a practical guide. It is not a definitive legal interpretation of building control law. For more information, you should consult your local building control authority.

**1. What are the Building Regulations 1997-2009?**

Building Regulations are a set of legal requirements for the design and construction of new buildings, extensions and material alterations to and certain changes of use of existing buildings.

Building Regulations provide for, in relation to buildings, the health, safety and welfare of people, conservation of fuel and energy, and access for people with disabilities. The Regulations can be downloaded from the Department's website [www.environ.ie](http://www.environ.ie)

The Consolidated Regulations came into force on 1 July, 1998, and replace the Building Regulations, 1991 (as amended).

**2. What are the Regulations framed?**

The Regulations comprise a set of legal requirements, expressed in simple functional statements.

Structure	Part A
Fire Safety	Part B
Site Preparation and Resistance to Moisture	Part C
Materials and Workmanship	Part D
Sound	Part E
Ventilation	Part F
Hygiene	Part G
Drainage & Waste Water Disposal	Part H
Heat Producing Appliances	Part I
Stairways, Ladders, Ramps and Guards	Part K
Conservation of Fuel and Energy	Part L
Access for People with Disabilities	Part M

Technical guidance on how to comply with these requirements are set out in the twelve separate Technical Guidance Documents (TGD's), which deal with each of the above areas. Amended TGD's can be downloaded from the Department's website [www.environ.ie](http://www.environ.ie)

The Regulations and related TGD's were amended as follows:

- Parts M and D—2000; Part B—2006; Part G—2008; Part F—2002 & 2009; Part L (Dwellings)—2007; Part L (Non-Dwellings)—2008
- TGD C—2004 & 2008

**3. How do they affect me?**

If you are having construction work carried out, the work must comply with Regulations. The Regulations do not apply to works consisting of repairs or renewal (as defined in the Regulations) except to any repair or renewal likely to affect the structural integrity of the building or building element being repaired or renewed.

Part L Regulations apply to renewal works to existing buildings involving the replacement of external doors, windows and rooflights. (S.I. 259 of 2008)

**4. What if I fail to comply?**

The primary responsibility for compliance rests with designers, builders and building owners. Building control authorities have powers to inspect design documents and buildings, as well as powers of enforcement and prosecution where breaches of the Regulations occur. There are heavy penalties, including fines and imprisonment, for breaches of the Regulations. In addition, when it comes to selling your property, you may have difficulties if you cannot satisfy the purchaser's solicitor that the requirements of the Regulations have been met.

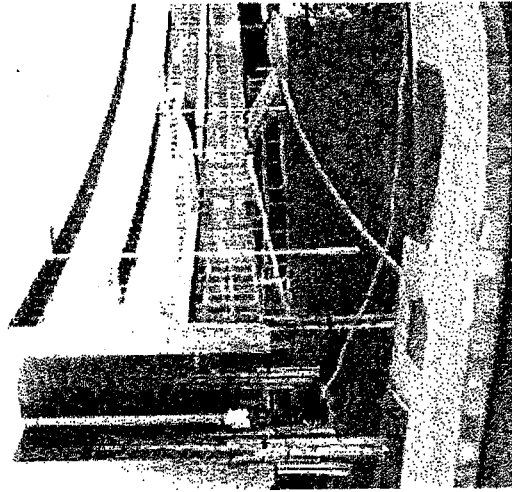
**5. What control arrangements are in place?**

The Building Control Regulations, 1997-2009 supplement the basic system of enforcement referred to in Question 4 above.

**Seven important control arrangements are provided:**

- ◆ Commencement Notice
- ◆ Fire Safety Certificate
- ◆ Revised Fire Safety Certificate
- ◆ 7 Day Notice
- ◆ Regularisation Certificate
- ◆ Disability Access Certificate
- ◆ Revised Disability Access Certificate

# PL 11 - Guide to the Building Control System



Building Standards Section, Department of Environment, Heritage and Local Government, Custom House, Dublin 1.

Lo Cah 1890 20 20 21 or 01 888 2000

[www.environ.ie](http://www.environ.ie)

May 2010

6. What is a Commencement Notice?

A Commencement Notice is a notification to a building control authority that a person intends to carry out either works or a material change of use to which the Building Regulations apply.

The notice must be given to the authority not more than 28 days and not less than 14 days before commencement of works or a material change of use.

The notice must be accompanied by a Commencement Notice Fee, based on the number of buildings (details available from your local building control authority). Copies of a Commencement Notice can also be obtained from the building control authority.

Commencement Notices are required for the following:

- the erection of a building;
- a material alteration or extension of a building;
- a material change of use of a building;
- works in connection with the material alteration (excluding minor works) of a shop, office or industrial building.

A Commencement Notice is not required:

- for works or a change of use which are exempted development under the planning code, and for which a Fire Safety Certificate is not required; or
- where a 7 Day Notice has been submitted.

Information on exempted development is given in other leaflets in this series, including PL. 5 - Doing Work about the House, PL. 6 - Agricultural and Farm Development, and PL. 7 - Planning for the Business Person.

7. What is a Fire Safety Certificate?

A certificate granted by a building control authority certifies that the building or works, if constructed in accordance with the plans, documents and information submitted to the authority, would comply with the requirements of Part B of the Second Schedule to the Building Regulations, 1997-2009.

8. Do I need a Fire Safety Certificate?

With the exception of houses and certain agricultural buildings, a Fire Safety Certificate is required for all new buildings (including apartments and flats), as well as material changes of use and certain alterations and extensions to buildings. A Fire Safety Certificate must be obtained before work starts.

9. What is a revised Fire Safety Certificate?

A certificate granted by a building control authority which is required where:

- an application for a Fire Safety Certificate is made before grant of planning permission, if required by the subsequent permission, or
- where significant revision is made to the design or works of a building for which a Fire Safety Certificate has already been granted.

10. Where do I get a Fire Safety Certificate/ Revised Fire Safety Certificate?

You should apply to the local building control authority for either certificate, before you commence work or where significant revision is made to the design or works of a building for which a Fire Safety Certificate has already been granted. Applications forms are available from the authority and should be submitted together with -

- plans, calculations and specifications for the works or building;
- details of the nature and extent of the proposed use and, where appropriate, of the existing use of the building;
- the appropriate fee, based on floor area (details available from your local authority).

Any application not including the above can be rejected by the authority as invalid.

11. How long should it take to get a Fire Safety Certificate/ Revised Fire Safety Certificate?

Normally two months, but this may be extended by written agreement between the applicant and the building control authority, e.g. when the authority seeks further information on your application. Both certificates may be granted with or without conditions, or refused.

12. Can I appeal if I am refused a Fire Safety Certificate/ Revised Fire Safety Certificate?

Yes. An applicant for a certificate can appeal to An Bord Pleanála against a refusal within one month of the decision (details of the appeal fee are available from your local authority or An Bord Pleanála).

13. What is a 7 Day Notice?

A 7 Day Notice is a notification to a building control authority that a person intends to commence work on the construction of a building before grant of the relevant Fire Safety Certificate.

A 7 Day Notice must be submitted not less than 7 days in advance of the commencement of works. The notice must be accompanied by:-

- a valid application for a Fire Safety Certificate for the applicant in the form specified for that purpose in the Third Schedule and accompanied by such plans and particulars as required under paragraphs (a) and (b) of article 13(2) of the Regulations.

- a 7 Day Notice Statutory Declaration in the form specified for that purpose in the Third Schedule, and

- such fee as may from time to time be prescribed for that purpose in Part V.

Do I require a Commencement Notice as well as a 7 Day Notice?

Yes. A Commencement Notice will not be required in respect of buildings where a 7 Day Notice has been submitted.

14. What is a Regularisation Certificate?

A certificate granted by a building control authority where a building has been commenced or completed without a Fire Safety Certificate, where such a certificate is required and certifies that the building work is in compliance with Part B of the Second Schedule to the Building Regulations 1997 to 2009.

The application must be accompanied by:-

- (i) drawings of the relevant works as they have been commenced or constructed, so as to enable the building control authority to assess whether the said works, as commenced or as constructed in accordance with the said drawings,

documents and information submitted, will comply or are in compliance, as appropriate, with the requirements of Part B of the Second Schedule to the Building Regulations.

(ii) a Statutory Declaration from the applicant in the form specified for that purpose in the Third Schedule, and

(iii) such fee as may from time to time be prescribed for that purpose in Part V.

15. What is a Disability Access Certificate?

A certificate granted by a building control authority which certifies compliance, at design stage of non-domestic buildings and apartment blocks, with the requirements of Part M of the Second Schedule to the Building Regulations 1997 to 2009.

16. What is a Revised Disability Access Certificate?

A revised Disability Access Certificate (DAC) is a certificate granted by a building control authority in respect of works where significant revision is made to the design or works of a building for which a DAC has already been granted.

17. Do I need a Disability Access Certificate?

With the exception of houses and certain agricultural buildings, a Disability Access Certificate is required for all new non-domestic buildings (including apartments and flats), material alterations and extensions to buildings and certain changes of use.

18. Where do I get a Disability Access Certificate/ Revised Disability Access Certificate?

You should apply to the local building control authority for either certificate, before you commence work or where significant revision is made to the design or works of a building for which an Disability Access Certificate has already been granted.

# Safety and Health on Construction Projects

## The Role of Clients

A summary of the client's role under the Safety, Health and Welfare at Work (Construction) Regulations, 2006

### Who is a 'Client'?

The Safety, Health and Welfare at Work (Construction) Regulations, 2006 interprets 'client' as a person for whom a project is carried out, in the course or furtherance of a trade, business or undertaking, or who undertakes a project directly in the course or furtherance of such trade, business or undertaking;

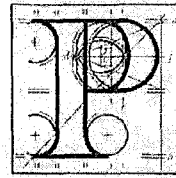
You are not a client if you are having construction work done on your own domestic dwelling e.g. an extension on to your kitchen, or you are building your own house.

You are a client if the extension onto your own domestic dwelling is in the course or furtherance of a trade, business or undertaking, or who undertakes a project directly in the course or furtherance of such trade, business or undertaking, e.g. if you are building on an office.

### What are the duties of a Client?

The Client must for every project:

- appoint, in writing before design work starts, a competent and adequately resourced project supervisor for the design process (PSDP).  
In order to be competent the PSDP must have adequate training, knowledge, experience to carry out the project the PSDP must have adequate resources available to carry out the project in a safe manner;
- appoint, in writing before construction begins, a competent and adequately resourced project supervisor for the construction stage (PSCS). In order to be competent the PSCS must have adequate training, knowledge, experience and resources;
- be satisfied that each designer and contractor appointed has adequate training, knowledge, experience and resources for the work to be performed;
- co-operate with the project supervisor and supply necessary information;
- keep and make available the safety file for the completed structure. The safety file contains information on the completed structure that will be required for future maintenance or renovation (The client must keep the file in a secure place, either on the premises to which it relates or held centrally, and if the client wishes, it may be stored electronically or on microfiche.);
- provide a copy of the safety and health plan prepared by the PSDP to every person tendering for the project. The safety plan documents show how health and safety on the project will be managed to project completion.
- notify the Authority of the appointment of the PSDP where construction is likely to take more than 500 persons days or 30 working days.



An  
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## Judicial Review Notice

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

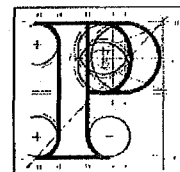
A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 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](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. Modified 30/11/2011



An  
Bord  
Pleanála

## Fógra faoi Athbhreithniú Breithiúnach

### Athbhreithniú breithiúnach ar chinneadh a rinne An Bord Pleanála faoi fhorálacha an Achta um Pleanáil agus Forbairt, 2000 (arna leasú)

Nuair is mian le duine agóid dhlíthiúil a chur in aghaidh cinnidh an Bhoird caithfear é sin a dhéanamh trí athbhreithniú breithiúnach amháin. Tá na forálacha chun agóid dhlíthiúil a chur in aghaidh cinnidh an Bhoird le fáil in alt 50, 50A agus 50B san Acht um Pleanáil agus Forbairt, 2000 (arna ionadú le hait 13 den Acht um Pleanáil agus Forbairt (Bonneagar Straitéiseach) 2006, le hait 32 agus 33 den Acht um Pleanáil agus Forbairt (leasú), 2010 agus le hait 20 agus 21 den Acht Comhshaoil (Forálacha Ilghnéitheacha), 2011.)

Ní féidir ceistiú a dhéanamh in aghaidh cinnidh an Bhoird ach amháin trí iarratas ar athbhreithniú breithiúnach faoi Ordú 84 de Rialacha na nUaschúrteanna (I.R. Uimhir 15 de 1986). Faoi réir fho-alt 50(6) den Acht um Pleanáil agus Forbairt, 2000 déanfar iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach laistigh den tréimhse 8 seachtain den dáta a rinne an Bord an cinneadh nó laistigh d'aon síneadh ama a cheadaíonn an Ard-Chúirt faoi fho-alt 50(8). Tabhair faoi deara nuair atá athbhreithniú breithiúnach i gceist faoi alt 50 nach féidir ach bailíocht an chinnidh a cheistiú agus ní thugann an Chúirt aon chinneadh faoi fhiúntas na forbartha o thaobh prionsabail pleanála cui nó forbairt inchothaithe na háite nó éifeachtaí ar an timpeallacht. Tá sé leagtha síos in alt 50 nach ndéanfar cead d'athbhreithniú breithiúnach muna bhfuil an Chúirt sásta go bhfuil forais shubstaintiúla ann chun argóint a dhéanamh go bhfuil an cinneadh neamhbhailí nó gur ceart é a neamhniú agus go bhfuil suim shásúil ag an iarratasóir leis an ábhar i gceist san iarratas nó i gcásanna a bhaineann le measúnacht tionchair timpeallachta gur eagraíocht í an t-iarratasóir a chomhlíonann coinníollacha áirithe.

Tá forálacha in alt 50B mar gheall ar chostais maidir le himeachtaí san Ard-Chúirt i dtaobh athbhreithniú breithiúnach i gcásanna áirithe (lena n-áirítear imeachtaí faoi chinntí nó gníomhartha de bhun dlí de chuid an Stáit lena dtugtar éifeacht do na forálacha faoi rannpháirtíocht an phobail agus rochtain ar an gceartas atá leagtha amach i dTreoir 85/337/CEE i.e. an Treoir faoi mheasúnacht tionchair timpeallachta agus na forálacha i dTreoir 2001/42/CE maidir le héifeachtaí pleananna agus clár áirithe ar an timpeallacht a mheasúnú). Is í an fhoráil ghinearálta in imeachtaí lena mbaineann alt 50B ná go n-focfaidh gach páirtí a chostais féin. Is féidir leis an gCúirt costais a bhronnadh i gcoinne aon pháirtí i gcásanna áirithe. Chomh maith le sin tá forálacha i bhfeidhm ionas gur féidir leis an gCúirt iomlán a chostas nó cuid díobh a bhronnadh ar an iarratasóir, in aghaidh fhreagróra nó fhógrapáirtí i gcásanna ina bhfaightear faoiseamh mar gheall ar gníomhú nó neamhfheidhm an fhreagróra nó an fhógrapáirtí.

Tá eolas ginearálta faoi athbhreithniú breithiúnach le fáil ar an suíomh idirlín [www.citizensinformation.ie](http://www.citizensinformation.ie).

Séanadh: Tá an t-eolas thuas tugtha mar threoirlíne. Ní éilítear gur léirmhíniú dlí faoi na forálacha ábhartha atá ann agus dá mbeadh sé ar intinn ag éinne cás dlí a thógáil in aghaidh an Bhoird bheadh sé inmholta comhairle dlí a fháil ar dtús. Athbhreithnithe 30/11/2011