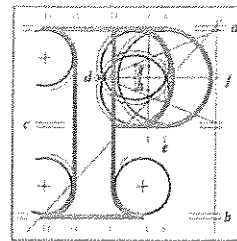


Our Ref: 06S.JD0027
P.A.Reg.Ref:

Your Ref: 16508/RB/170217



An
Bord
Pleanála

RECEIVED 11 MAY 2017

Richard Butler
Cunnane Stratton Reynolds,
3 Molesworth Place,
Dublin 2.

ECONOMIC ENTERPRISE &
TOURISM DEVELOPMENT DEPARTMENT

15 MAY 2017

10th May 2017

Re:

Proposed Dublin Mountains Visitor Centre at the Hellfire
and Massy's Wood forest properties,
Co. Dublin

Dear Sir,

An order has been made by An Bord Pleanála determining the above mentioned case. A copy of the order is enclosed.

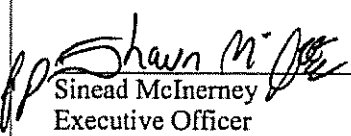
In accordance with section 146(5) of the Planning and Development Act, 2000 as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (<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 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 relation to the matter please contact the undersigned officer of the Board.

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

Yours faithfully,


Sinead McInerney
Executive Officer
Direct Line: 01-8737295

Encls.

ED10.LTR

Tel (01) 858 8100
Gao Ábail LoCall 1890 275 175
Fais (01) 872 2684
Ia Pleanála Ceannán Website www.pleanala.ie
Rannphost Email bord@pleanala.ie



64 Saeid Mhóilbairde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

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

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

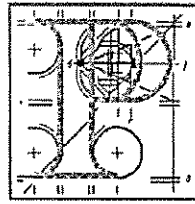
The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

An Bord Pleanála



Planning and Development Acts, 2000 to 2016

South Dublin County Council

An Bord Pleanála Reference Number: 06S.JD0027

APPLICATION by South Dublin County Council care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin requesting An Bord Pleanála to consider and determine, in accordance with its powers under article 120(3)(a) of the Planning and Development Regulations, 2001, as amended, whether the local authority should be directed to prepare an environmental impact statement in respect of the proposed Dublin Mountains Visitor Centre at the Hellfire and Massy's Wood Forest Properties, County Dublin.

DECISION

DIRECT the local authority to prepare an environmental impact statement in respect of the said proposed development based on the reasons and considerations 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 scale and nature of the proposed development, to its location in a sensitive but highly frequented landscape south of the Dublin built up area, to the prevalence of artefacts of cultural, historical and archaeological heritage throughout the general area and to the ecology of the area the Board considered a full and proper consideration of all the possible significant effects on the environment of the proposed amenity development and the potential for mitigation of these required that an environmental impact assessment process be undertaken. Therefore, it is considered that the preparation of an environmental impact statement is required.

In deciding not to accept the Inspector's recommendation not to direct that an environmental impact statement be undertaken the Board noted the Inspector's view that the historical and archaeological features of the lands had proved to be resilient to date notwithstanding the numbers of visitors to the area. However, the Board considered that the proposed development is such that further significant additional numbers of visitors will be encouraged to use the facilities provided and it is deemed appropriate that the effect of these, and other, impacts be properly assessed.



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

Dated this 9th day of MAY 2017