

**THE HIGH COURT
JUDICIAL REVIEW**

2014 No. 712 J.R.

BETWEEN

JOHN CAMPBELL

APPLICANT

AND

MINISTER FOR THE ENVIRONMENT COMMUNITY AND LOCAL GOVERNMENT

RESPONDENT

DONEGAL COUNTY COUNCIL

NOTICE PARTY

TERMS OF SETTLEMENT

“PDA 2000” Planning and Development Act 2000 (as amended)

1. The parties have agreed that the matter should be remitted to the Minister to the stage of the statutory process where the Minister is entitled to appoint an inspector pursuant to section 31(11) of the PDA 2000. The Minister will make the appointment on or before 31 July 2016.
2. The appointment of the inspector shall be made pursuant to section 31(11)(b)(i) and (ii) of the PDA 2000.
3. The period under section 31(16) of the PDA 2000 will be extended from three weeks to six weeks.
4. The provisions of section 31(6) of the PDA 2000 shall continue to apply to Variation No. 2 of the County Donegal Development Plan 2012 – 2018 (“the variation”), and the variation shall remain ineffective pending the conclusion of the statutory process under section 31.

5. Save as to an admission (i) that the direction issued on 3 October 2014 did not set out an adequate statement of reasons, and (ii) that the reference to section 12 of the PDA 2000 was in error, the Minister denies that there were any legal grounds for challenging the direction of 3 October 2014. In particular, the settlement of the judicial review proceedings does not involve any admission by the Minister of any of the matters alleged in the statement of grounds of December 2014 (other than two limited admissions already referred to).
6. In the premises, the parties will consent to an order of the High Court in the terms set out in the schedule hereto.
7. These terms of settlement are conditional on the High Court acceding to make an order in terms of the schedule hereto; and if, for whatever reason, the High Court declines to make such an order, then these terms of settlement are ineffective and not binding on the parties.

Signed on behalf of the Applicant.

John Campbell 21/6/16
Arthur John Dem. L. Clerk, Bay.

Signed on behalf of the Minister.

Erna Golden
Chief State Solicitor's office.

Dated 21 June 2016.

TERMS OF CONSENT ORDER

1. An order of *certiorari* quashing the County Donegal Development Plan 2012 – 2018 Directive 2014 (“the direction”) of 3 October 2014 issued pursuant to section 31 of the Planning and Development Act 2000 (as amended) on the ground pleaded at (e) 5 of the statement of grounds of December 2014, namely that the respondent erred in failing to provide adequate reasons in the final direction of the 3rd October 2014 which would provide interested members of the public with a sufficient justification for the decision and determination.
2. An order pursuant to Order 84, rule 27(4) of the Rules of the Superior Courts remitting the matter to the Minister with a direction to reconsider it and to reach a decision in accordance with the findings of the High Court.
3. Consequential orders directing that:-
 - (i) the statutory procedure under section 31 be resumed from the stage where the Minister has a power to appoint an inspector pursuant to section 31(11) of Planning and Development Act 2000 (as amended);
 - (ii) the Minister appoint an inspector on or before 31st July 2016; and
 - (iii) that provisions of section 31(6) shall continue to apply to Variation No. 2 of the County Donegal Development Plan 2012 – 2018 (“the variation”), and the variation shall remain ineffective pending the conclusion of the statutory process under section 31.
4. An order directing the Minister to pay the applicant’s legal costs of the judicial review proceedings, such costs to be taxed in default of agreement.