

Case Reference Number:

[2014 No. 579 JR]

Name:

EDWARD BUCKLEY AND EDEL GRACE APPLICANTS

AND AN BORD PLEANÁLA RESPONDENT

ECOPOWER DEVELOPMENTS LIMITED NOTICE PARTY

AND DEPARTMENT OF ARTS HERITAGE AND THE GAELTACHT
(DAHG) NOTICE PARTY

-Brief Subject matter

The case in question involved the development of 22 wind turbines in North Tipperary. The development required both an EIA and a Natura Impact Assessment due to close proximity to a Special Area of Protection and due to size of the development. The legal case was based on 3 main grounds:

1. Withdrawal of consent by a landowner
2. Failure to carry out an EIA
3. The failure to carry out an Appropriate assessment

We lost our case in July 2015 On the 16th September 2015 Myself & my co-applicant Mr. Buckley attended court in Dublin to seek a certificate of Appeal, we were seeking to appeal the Judgement we received in our case. On arrival at the court we were informed by our legal team that if we withdrew our application for leave to appeal the matter of costs would be as was (Section 50B protection against cost in cases involving environmental issues). However, if we proceeded to appeal for leave both An Bord Pleanala and the developer would seek costs against us.

We chose to proceed, while the developer Ecopower Ltd. did not pursue costs against us, An Bord Pleanala did seek costs against us. The issue was raised with the judge, but as an unrelated case on the same matter was still before the courts, the judge reserved judgment on costs until such time as the other matter was resolved. To date I am still uninformed as to the outcome of the other case and the issue of the costs of this case may still be something I have to face in the future.

Edel Grace

Edel Grace

Grousehall, Milestone, Thurles, Co. Tipperary

08 January 2021