

THE HIGH COURT
JUDICIAL REVIEW

[2021 No. 1110 JR]

IN THE MATTER OF SECTION 50 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS
AMENDED)

BETWEEN

SAVE ROSCAM PENINSULA CLG, SOPHIE CACCIAGUIDI-FAHY, MARTIN FAHY AND PHILIP
HARKIN

APPLICANTS

AND

AN BORD PLEANÁLA, GALWAY CITY COUNCIL, THE MINISTER FOR HOUSING, LOCAL
GOVERNMENT AND HERITAGE, IRELAND AND THE ATTORNEY GENERAL

RESPONDENTS

AND

ALBER DEVELOPMENTS LIMITED

NOTICE PARTY

(No. 3)

JUDGMENT of Humphreys J. delivered on Thursday the 14th day of July, 2022

1. In *Save Roscam Peninsula CLG v. An Bord Pleanála (No. 1)* [2022] IEHC 202, [2022] 4 JIC 0809 (Unreported, High Court, 8th April, 2022), I refused a declaration that the applicants were entitled to costs protection under s. 50B of the Planning and Development Act 2000 or the Environment (Miscellaneous Provisions) Act 2011, and adjourned the applicants' points relating to the interpretative application under the Aarhus Convention pending a proposed reference to the CJEU.
2. In *Save Roscam Peninsula CLG v. An Bord Pleanála (No. 2)* [2022] IEHC 328, [2022] 6 JIC 0903 (Unreported, High Court, 9th June, 2022), I granted leave to appeal under s. 50A(7) of the 2000 Act in relation to the issues under the 2011 Act on the question set out in the judgment. That does not affect the proposed reference, as matters stand.
3. I now deal with certain procedural matters prior to the formal order for reference.

Consideration of *amici curiae*

4. Following the No. 1 judgment I gave the parties the option of proposing the addition of any *amici curiae* that might assist the formulation of the formal order for reference and that might assist the CJEU, but the parties did not propose the addition of any such *amici curiae* to the proceedings.

Relevant legal materials

5. In order to assist the CJEU and having received submissions from the parties, I set out a full list of the relevant EU, international and domestic legal material in the appendix to the judgment together with web links.

Order for reference

6. With those matters addressed, the order for reference will be dealt with in a separate judgment, but I need to set out directions now in order to ensure that papers are prepared appropriately.

Order

7. The order will be as follows:

- (a). I will direct that the applicants lodge the following documents with the List Registrar in an electronic form having agreed the contents with the other parties, by Friday 22nd July, 2022, for transmission to the CJEU by the Principal Registrar:
- (i). a contents page in electronic form of the documents submitted; and
 - (ii). a PDF containing all pleadings. If this PDF exceeds 30MB, it is to be split into separate PDFs each of which should not individually exceed 30MB. The PDF(s) should include among other pleadings and papers:
 - A. a scanned copy of the signed approved version of all judgments; however the version to be included of the present judgment should be a scan of the signed copy of the substantive part of the judgment together with an electronic version of the appendix which preserves the clickable links); and
 - B. a scanned version of the order for reference;
- (b). I will adjourn the hearing of the balance of the matter pending the decision of the CJEU; and
- (c). the matter will be listed for mention on Monday 25th July, 2022 to confirm compliance with the foregoing.

APPENDIX – RELEVANT LEGAL MATERIALS

European law

- (i). Article 3(3) Consolidated version of the Treaty on European Union.
<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12008M003>
- (ii). Article 19 Consolidated version of the Treaty on European Union.
<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12016M019&from=EN>
- (iii). Directive 92/43/EEC of 21st May, 1992 on the conservation of natural habitats and of wild fauna and flora.
<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31992L0043&from=EN>
- (iv). Directive 2001/42/EC of the European Parliament and of the Council of 27th June, 2001 on the assessment of the effects of certain plans and programmes on the environment.
<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32001L0042&from=EN>
- (v). Council Decision 2005/370/EC of 17 February 2005 on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters.
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32005D0370>
- (vi). Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies.
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006R1367>
- (vii). Directive 2011/92/EU of the European Parliament and of the Council of 13th December, 2011 on the assessment of the effects of certain public and private projects on the environment (as amended by council directive 2014/52/EU).
<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0092&from=EN>

European Caselaw

- (i). Case C-53/96 *Hermès International v. FHT Marketing Choice BV* (European Court of Justice, 16th June, 1998, ECLI:EU:C:1998:292).
<https://curia.europa.eu/juris/showPdf.jsf?text=&docid=43933&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=799338>.
- (ii). Joined Cases C-300/98 and C-392/98 *Dior SA v. TUK Consultancy BV and Assco Gerüste GmbH v. Wilhelm Layher GmbH & Co. KG* (European Court of Justice, 14th December, 2000, ECLI:EU:C:2000:688).
<https://curia.europa.eu/juris/showPdf.jsf?text=&docid=45447&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=799338>
- (iii). Case C-239/03 *Commission of the European Communities v. French Republic* (European Court of Justice, 7th October, 2004, ECLI:EU:C:2004:598).
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=49170&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=3550347>
- (iv). Case C-212/04 *Konstantinos Adeneler v. Ellinikos Organismos Galaktos* (European Court of Justice, 4th July, 2006, ECLI:EU:C:2006:443).
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=56282&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=3550347>
- (v). Case C-431/05 *Merck Genéricos - Produtos Farmacêuticos Lda v Merck & Co. Inc.* (European Court of Justice, 11th September, 2007, ECLI:EU:C:2007:496).
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=62603&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=3506122>
- (vi). Case C-427/07 *Commission of the European Communities v. Ireland* (European Court of Justice, 16th July, 2009, ECLI:EU:C:2009:457).
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=72488&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=376792>
- (vii). Case C-240/09 *Lesoochránárske zoskupenie VLK v. Ministerstvo životného prostredia Slovenskej republiky* (Court of Justice of the European Union, 8th March, 2011, ECLI:EU:C:2011:125).
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=80235&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=376792>

- (viii). Case C-260/11 *Edwards v. Environment Agency* (Opinion of Advocate General Kokott, 18th October, 2012, ECLI:EU:C:2012:645).
- <https://curia.europa.eu/juris/document/document.jsf?text=&docid=136149&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=376792>
- (ix). Case C-530/11 *European Commission v. United Kingdom* (Court of Justice of the European Union, 13th February, 2014, ECLI:EU:C:2014:67).
- <https://curia.europa.eu/juris/document/document.jsf?text=&docid=140962&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=376792>
- (x). Case T-33/16 *TestBioTech eV v. European Commission* (General Court of the European Union, 14th March, 2018, ECLI:EU:T:2018:135).
- <https://curia.europa.eu/juris/document/document.jsf?text=&docid=200243&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=3550347>
- (xi). Case C-64/16 *Associação Sindical dos Juizes Portugueses* (Court of Justice of the European Union, 27th February, 2018, ECLI:EU:C:2018:117).
- <https://curia.europa.eu/juris/document/document.jsf?text=&docid=199682&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=3506122>
- (xii). Case C-112/16 *Persidera SpA v. Autorità per le Garanzie nelle Comunicazioni and Ministero dello Sviluppo Economico delle Infrastrutture e dei Trasporti* (Court of Justice of the European Union, 26th July, 2017, ECLI: EU:C:2017:597).
- <https://curia.europa.eu/juris/document/document.jsf?text=&docid=193204&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=15520978>
- (xiii). Case C-470/16 *North East Pylon Pressure Campaign Limited v. An Bord Pleanála* (Court of Justice of the European Union, 15th March, 2018, ECLI:EU:C:2018:185).
- <https://curia.europa.eu/juris/document/document.jsf?text=&docid=200265&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=376792>
- (xiv). Case C-167/17 *Klohn v. An Bord Pleanála* (Court of Justice of the European Union, 17th October, 2021, ECLI:EU:C:2018:833).
- <https://curia.europa.eu/juris/document/document.jsf?text=&docid=206856&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=774048>
- (xv). Case C-826/18 *Stichting Varkens in Nood v. College van burgemeester en wethouders van de gemeente Echt-Susteren* (Court of Justice of the European Union, 14th January, 2021, ECLI:EU:C:2021:7).

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=236421&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=3550347>

- (xvi). Case T-9/19 *ClientEarth v. European Investment Bank* (General Court of the European Union, 27th January, 2021, ECLI:EU:T:2021:42).

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=237047&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=376792>

International law

- (i). Vienna Convention on the Law of Treaties, done at Vienna on 23rd May, 1969.

https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf

- (ii). UNEP Environmental Law Guidelines and Principles, Stockholm Declaration on the Human Environment, done at Stockholm on 16th June, 1972.

<https://wedocs.unep.org/bitstream/handle/20.500.11822/29567/ELGP1StockD.pdf?sequence=1&isAllowed=y>

- (iii). Rio Declaration on Environment and Development adopted by the United Nations Conference on Environment and Development, held at Rio de Janeiro on 3rd-14th June 1992.

https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf

- (iv). UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, signed in Aarhus (Denmark) on 25th June, 1998 ('the Aarhus Convention').

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-13&chapter=27

- (v). UNECE Aarhus Convention Compliance Committee Report: United Nations ECE/MP.PP/C.1/2010/6/Add.1 Economic and Social Council Distr.: General 24 August 2011 Original: English Economic Commission for Europe Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters Compliance Committee Twenty-ninth meeting Geneva, 21–24 September 2010 Report of the Compliance Committee on its Twenty-Ninth meeting Addendum Findings and recommendations with regard to communication ACCC/C/2008/23 concerning compliance by the United Kingdom of Great Britain and Northern Ireland Adopted by the Compliance Committee on 24 September 2010.

https://unece.org/fileadmin/DAM/env/pp/compliance/C2008-23/findings/ece_mp.pp_c.1_2010_6_add.1_eng.pdf

- (vi). UNECE Aarhus Convention Compliance Committee Report: United Nations ECE/MP.PP/C.1/2010/6/Add.2 Economic and Social Council Distr.: General 24 August 2011 Original: English: Economic Commission for Europe: Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters: Compliance Committee: Twenty-ninth meeting Geneva, 21–24 September 2010: Report of the Compliance Committee on its Twenty-Ninth meeting: Addendum Findings and recommendations with regard to communication ACCC/C/2008/27 concerning compliance by the United Kingdom of Great Britain and Northern Ireland: Adopted by the Compliance Committee on 24 September 2010.

https://unece.org/fileadmin/DAM/env/pp/compliance/C2008-27/DFR/ece_mp.pp_c.1_2010_6_add.2_eng.pdf

- (vii). UNECE Aarhus Convention Compliance Committee Report: United Nations ECE/MP.PP/C.1/2010/6/Add.3 Economic and Social Council Distr.: General 24 August 2011 Original: English: Economic Commission for Europe Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters: Compliance Committee: Twenty-ninth meeting: Geneva, 21–24 September 2010: Report of the Compliance Committee on its Twenty-Ninth meeting: Addendum Findings and recommendations with regard to communication ACCC/C/2008/33 concerning compliance by the United Kingdom of Great Britain and Northern Ireland Adopted by the Compliance Committee on 24 September 2010).

https://unece.org/fileadmin/DAM/env/pp/compliance/C2008-33/Findings/ece_mp.pp_c.1_2010_6_add.3_eng.pdf

- (viii). UNECE Aarhus Convention Compliance Committee Report: United Nations ECE/MP.PP/C.1/2012/11 Economic and Social Council Distr.: General 2 October 2012 Original: English: Economic Commission for Europe Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters Compliance Committee Thirty-ninth meeting Geneva, 11–14 December 2012 Item 7 (a) of the provisional agenda Communications from members of the public Findings and recommendations with regard to communication ACCC/C/2010/50 concerning compliance by the Czech Republic Prepared by the Compliance Committee and adopted on 29 June 2012.

https://unece.org/fileadmin/DAM/env/pp/compliance/C2010-50/Findings/ece_mp.pp_c.1_2012_11_eng.pdf

- (ix). Aarhus Convention Implementation Guide 2014.

https://unece.org/DAM/env/pp/Publications/Aarhus_Implementation_Guide_interactive_eng.pdf

- (x). UNECE Aarhus Convention Compliance Committee Report: United Nations ECE/MP.PP/C.1/2016/10 Economic and Social Council Distr.: General 29 November 2016 Original: English: Economic Commission for Europe Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters Compliance Committee Fifty-fifth meeting Geneva, 6–9 December 2016 Item 9 of the provisional agenda Communications from members of the public Findings and recommendations with regard to communications ACCC/C/2013/85 and ACCC/C/2013/86 concerning compliance by the United Kingdom of Great Britain and Northern Ireland Adopted by the Compliance Committee on 17 June 2015.

https://unece.org/fileadmin/DAM/env/pp/compliance/CC-55/ece.mp.pp.c.1.2016.10_eng.pdf

- (xi). UN Sustainable Development Agenda to 2030, included in UN General Assembly Resolution 70/1 adopted on 25 September 2015.

https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf

Domestic legislation

- (i). Article 29.6^o of the Constitution of Ireland.

<https://www.irishstatutebook.ie/eli/cons/en/html>

- (ii). Planning and Development Act 2000, as amended.

<https://revisedacts.lawreform.ie/eli/2000/act/30/revised/en/pdf?annotations=true>

- (iii). Interpretation Act 2005.

<https://www.irishstatutebook.ie/eli/2005/act/23/enacted/en/html>

- (iv). Environment (Miscellaneous Provisions) Act 2011, as amended.

<https://revisedacts.lawreform.ie/eli/2011/act/20/front/revised/en/html>

- (v). Planning and Development (Housing) and Residential Tenancies Act 2016, as amended.

<https://revisedacts.lawreform.ie/eli/2016/act/17/revised/en/html>

Domestic caselaw

- (i). *Shannon v. McGuinness* [1997] IEHC 54, [1999] 3 I.R. 274.
<https://app.justis.com/case/shannon-v-mcguinness/overview/c4CZmZaJn4Wca>
- (ii). *Lennon v. Cork City Council* [2006] IEHC 438, [2006] 12 JIC 1905 (Unreported, High Court, Smyth J., 19th December, 2006).
https://www.courts.ie/acc/alfresco/4e9f1fe9-3865-49ae-a8ff-dd2db675fdd7/2006_IEHC_438_1.pdf/pdf#view=fitH
- (iii). *JC Savage Supermarket Ltd. v. An Bord Pleanála* [2011] IEHC 488, [2011] 11 JIC 2205 (Unreported, High Court, Charleton J., 22nd November, 2011).
https://www.courts.ie/acc/alfresco/a61c8626-c36f-4f0a-94ae-8bcf8364689a/2011_IEHC_488_1.pdf/pdf#view=fitH
- (iv). *Kimpton Vale Developments Limited v. An Bord Pleanála* [2013] IEHC 442, [2013] 2 I.R. 767.
https://www.courts.ie/acc/alfresco/5b8b8d0f-7934-430e-9f8f-698b54da1b34/2013_IEHC_442_1.pdf/pdf#view=fitH
- (v). *Browne v. Fingal County Council* [2013] IEHC 630, [2014] 2 I.R. 194.
https://www.courts.ie/acc/alfresco/ee7282f7-5292-42fd-9bc2-955abdddc57/2013_IEHC_630_1.pdf/pdf#view=fitH
- (vi). *Waterville Fisheries Development Limited v. Aquaculture Licenses Appeals Board (No. 3)* [2014] IEHC 522, [2014] 11 JIC 0703 (Unreported, High Court, Hogan J., 7th November, 2014).
https://www.courts.ie/acc/alfresco/ce8f818e-5aa8-417b-8fd3-728f49aa4b5d/2014_IEHC_522_1.pdf/pdf#view=fitH
- (vii). *Sweeney v. Governor of Loughan House Open Centre* [2014] IESC 42, [2014] 2 I.R. 732.
<https://app.justis.com/case/vincent-sweeney-v-governor-of-loughlan-house-open-centre-and-others/report-irish-reports/aXaJm4udo5Kdl>
- (viii). *Conway v. Ireland* [2017] IESC 13, [2017] 1 I.R. 53.
https://www.courts.ie/acc/alfresco/027345d1-98b6-4bcf-ac25-c0c84cdfb196/2017_IESC_13_1.pdf/pdf#view=fitH
- (ix). *SC SYM Fotovoltaic Energy SRL v. Mayo County Council* [2018] IEHC 81, [2018] 2 JIC 2008 (Unreported, High Court, Barniville J., 20th February, 2018).

- [https://www.courts.ie/acc/alfresco/3c0cbca0-57e1-4f30-a2a1-5e3ccce4b28a/2018 IEHC 81 1.pdf/pdf#view=fitH](https://www.courts.ie/acc/alfresco/3c0cbca0-57e1-4f30-a2a1-5e3ccce4b28a/2018%20IEHC%2081%201.pdf/pdf#view=fitH)
- (x). *North East Pylon Pressure Campaign Ltd. v. An Bord Pleanála (No. 5)* [2018] IEHC 622, [2018] 10 JIC 3009 (Unreported, High Court, 12th November, 2018).
- <https://www.courts.ie/acc/alfresco/36a7fc77-e595-4de1-9c5d-d0685775f977/2018 IEHC 622 1.pdf/pdf#view=fitH>
- (xi). *Heather Hill Management Company CLG v. An Bord Pleanála* [2019] IEHC 186, [2019] 3 JIC 2901 (Unreported, High Court, Simons J., 29th March, 2019).
- <https://www.courts.ie/acc/alfresco/aba5000e-b621-4346-b0eb-45709ea2c223/2019 IEHC 186 1.pdf/pdf#view=fitH>
- (xii). *O'Connor v. Offaly County Council* [2020] IECA 72, [2020] 3 JIC 2001 (Unreported, Court of Appeal, Murray J. (Whelan and Noonan JJ. concurring), 20th March, 2020).
- <https://www.courts.ie/acc/alfresco/b983209c-51f3-4867-9d6e-eea72238db65/2020 IECA 72.pdf/pdf#view=fitH>
- (xiii). *Eco Advocacy CLG v. An Bord Pleanála (No. 1)* [2021] IEHC 265, [2021] 5 JIC 2704 (Unreported, High Court, 27th May, 2021).
- <https://www.courts.ie/acc/alfresco/54138cf5-791e-4ed0-ad84-315eb9ec8caf/2021 IEHC 265.pdf/pdf#view=fitH>
- (xiv). *Heather Hill Management Company CLG v. An Bord Pleanála* [2021] IECA 259 (Unreported, Court of Appeal, Costello J. (Ní Raifeartaigh and Pilkington JJ. concurring) 14th October, 2021).
- [https://www.courts.ie/acc/alfresco/bf01f165-fd13-45b7-9518-09f95c6f5a4d/2021 IECA 259%20\(Unapproved\).pdf/pdf#view=fitH](https://www.courts.ie/acc/alfresco/bf01f165-fd13-45b7-9518-09f95c6f5a4d/2021 IECA 259%20(Unapproved).pdf/pdf#view=fitH)
- (xv). *Spencer Place Development Co. Ltd. v. Dublin City Council* [2021] IECA 314 (Unreported, Court of Appeal, Costello J. (Donnelly and Collins JJ. concurring), 25th November, 2021).
- [https://www.courts.ie/acc/alfresco/2ca5e1ed-2f8f-4fc9-8938-408e1dc91e8a/2021 IECA 314%20\(Unapproved\).pdf/pdf#view=fitH](https://www.courts.ie/acc/alfresco/2ca5e1ed-2f8f-4fc9-8938-408e1dc91e8a/2021 IECA 314%20(Unapproved).pdf/pdf#view=fitH)
- (xvi). *Enniskerry Alliance and Enniskerry Demesne Management Company CLG v. An Bord Pleanála (No. 1)* [2022] IEHC 6 (Unreported, High Court, 14th January, 2022).
- <https://www.courts.ie/acc/alfresco/5aeed83d-034b-4cc1-989c-bf65d9475198/2022 IEHC 6.pdf/pdf#view=fitH>

(xvii). *An Taisce v. The Minister for Agriculture Food and Marine* [2022] IEHC 96, [2022] 2 JIC 2801 (Unreported, High Court, Simons J., 28th February, 2022).

https://www.courts.ie/acc/alfresco/8cc37425-459b-43cc-9edc-51424235e6da/2022_IEHC_96.pdf/pdf#view=fitH

(xviii). *Save Roscam Peninsula CLG v. An Bord Pleanála (No. 1)* [2022] IEHC 202, [2022] 4 JIC 0809 (Unreported, High Court, 8th April, 2022).

https://www.courts.ie/view/judgments/28705253-109e-4bd4-94c6-3e5cad06a01b/99e23777-92f9-4fbb-8bc6-6ff2bb1e327f/2022_IEHC_202.pdf/pdf

(xix). *Abbey Park and District Residents Association Baldoyle v. An Bord Pleanála* [2022] IEHC 201, [2022] 4 JIC 0808 (Unreported, High Court, 8th April, 2022).

https://www.courts.ie/acc/alfresco/7d623791-7a06-4643-8ac2-474120ba702d/2022_IEHC_201.pdf/pdf#view=fitH

(xx). *Cork Harbour Alliance for a Safe Environment v. An Bord Pleanála* [2022] IEHC 231, [2022] 4 JIC 2601 (Unreported, High Court, Barniville J., 26th April, 2022).

https://www.courts.ie/acc/alfresco/4f242b34-2e7c-4cab-a365-5cc4516f5f74/2022_IEHC_231.pdf/pdf#view=fitH

(xxi). *Jennings v. An Bord Pleanála* [2022] IEHC 249, [2022] 5 JIC 0302 (Unreported, High Court, Holland J., 3rd May, 2022).

https://www.courts.ie/acc/alfresco/71d7698c-c9ef-4ad7-a4b2-3c198049dcca/2022_IEHC_249.pdf/pdf#view=fitH

Other materials

(i). *Milebush Properties Limited v. Tameside Metropolitan Borough Council* [2011] EWCA Civ 270, [2011] WLR D 96.

<https://www.bailii.org/ew/cases/EWCA/Civ/2011/270.html>

(ii). *R. (Lewis) v. Welsh Ministers* [2022] EWHC 450 (Admin).

<https://www.bailii.org/ew/cases/EWHC/Admin/2022/450.html>