



Appendix FF

No. 2

O. 58, r. 18(1)

### SUPREME COURT

#### Respondent's Notice (filed on behalf of Notice Party)

Supreme Court record number	000096
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[Title and record number as per the High Court proceedings]

North Kerry Wind Turbine Awareness Group	V	Record No. 2016/728JR An Bord Pleanála and Kerry County Council, Ireland and the Attorney General and Stacks Mountain Windfarm Limited
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Date of filing	
Name of respondent	Ireland and the Attorney General
Respondent's solicitors	Ireland and the Attorney General –Chief State Solicitor's Office
Name of appellant	North Kerry Wind Turbine Awareness Group
Appellant's solicitors	O'Connell & Clarke Solicitors

#### 1. Respondent Details

Where there are two or more respondents by or on whose behalf this notice is being filed please also provide relevant details for those respondent(s)

Respondent's full name	Ireland and the Attorney General
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The respondent was served with the application for leave to appeal and notice of appeal on date: 16 <sup>th</sup> June 2017 by email, 19 <sup>th</sup> June 2017 by Post.
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The respondent intends :
<input type="checkbox"/> to oppose the application for an extension of time to apply for leave to appeal
<input type="checkbox"/> not to oppose the application for an extension of time to apply for leave to appeal
<input type="checkbox"/> to oppose the application for leave to appeal
<input type="checkbox"/> not to oppose the application for leave to appeal
<input type="checkbox"/> to ask the Supreme Court to dismiss the appeal
<input type="checkbox"/> to ask the Supreme Court to affirm the decision of the Court of Appeal or the

<input type="checkbox"/>	High Court on grounds other than those set out in the decision of the Court of Appeal or the High Court
<input checked="" type="checkbox"/>	Other (please specify) The State Respondents did not participate in the proceedings before the High Court, save in respect of the issue of costs, and are neutral on the question of whether leave to appeal should be granted. In the event that leave is granted, the State respondents reserve the right to participate in the appeal, and to address the Supreme Court on the points of law identified as being of public importance

If the details of the respondent's representation are correct and complete on the notice of appeal, tick the following box and leave the remainder of this section blank; otherwise complete the remainder of this section if the details are not included in, or are different from those included in, the notice of appeal.

Details of respondent's representation are correct and complete on notice of appeal: ☐

#### Respondent's Representation

Solicitor : Julianne Dockery			
Name of firm	Chief State Solicitor's Office		
Email	Julianne_dockery@csso.gov.ie		
Address	Osmond House, Little Ship Street Dublin 8	Telephone no.	01-4176278
		Document Exchange no.	DX186-001
Postcode		Ref.	2016/05087
How would you prefer us to communicate with you?			
<input type="checkbox"/>	Document Exchange	<input checked="" type="checkbox"/>	E-mail
<input checked="" type="checkbox"/>	Post	<input type="checkbox"/>	Other (please specify)

Counsel			
Name	Garrett Simons SC		
Email	gsimons@lawlibrary.ie		
Address	The Distillery Building 145-151 Church Street Dublin 7	Telephone no.	01-8172983
		Document Exchange no.	816320
Postcode			

Counsel			
Name	Elizabeth Cogan BL		
Email	ecogan@lawlibrary.ie		
Address	The Distillery Building	Telephone no.	01-8175510



4. Respondent's reasons for opposing leave to appeal

**If leave to appeal is being contested, set out concisely here the respondent's reasons why:**

*In the case of an application for leave to appeal to which Article 34.5.4° of the Constitution applies (i.e. where it is sought to appeal to the Supreme Court from the High Court)-*

- \* the decision in respect of which leave to appeal is sought does not involve a matter of general public importance
- \* it is not, in the interests of justice, necessary that there be an appeal to the Supreme Court there are no exceptional circumstances warranting a direct appeal to the Supreme Court.

The State respondents did not participate in the proceedings before the High Court, save in respect of the issue of costs, and are neutral on the question of whether leave to appeal should be granted.

In the event that leave to appeal is granted, the State respondents reserve the right to participate in the appeal.

*\*delete where inapplicable*

5. Respondent's reasons for opposing appeal if leave to appeal is granted

**Please list (as 1, 2, 3 etc in sequence) concisely the Respondent's grounds of opposition to the ground(s) of appeal set out in the Appellant's notice of appeal (Section 6 of the notice of appeal):**

In the event that leave is granted, the State respondents reserve the right to participate in the appeal.

The State respondents object to any contention that the Applicant is entitled to its legal costs notwithstanding that its application for judicial review was unsuccessful. These proceedings are governed by section 50B of the Planning and Development Act 2000, as amended, given their nature and subject matter, and this complies with the requirements of the Aarhus Convention.

**Name of counsel or solicitor who settled the grounds of opposition (if the respondent is legally represented), or name of respondent in person:**

Elizabeth Cogan BL  
Garrett Simons SC

6. Additional grounds on which decision should be affirmed

Set out here any grounds other than those set out in the decision of the Court of Appeal or the High Court on which the Respondent claims the Supreme Court should affirm the decision of the Court of Appeal or the High Court:

Are you asking the Supreme Court to:

depart from (or distinguish) one of its own decisions? ☐ Yes ☒ No

If Yes, please give details below:

make a reference to the Court of Justice of the European Union? ☐ Yes ☒ No

If Yes, please give details below:

Will you request a priority hearing? ☐ Yes ☒ No

If Yes, please give reasons below:

Signed: Chief State Solicitor's Office  
(Solicitor for) the respondent (Notice Party in the High Court Proceedings)  
Please submit your completed form to:  
The Office of the Registrar to the Supreme Court  
The Four Courts  
Inns Quay  
Dublin

This notice is to be lodged and served on the appellant and each other respondent within 14 days after service of the notice of appeal.