

Monday the 12th day of November 2012

BEFORE MR JUSTICE PEART

PAT SWORDS

Applicant

-AND-

**DEPARTMENT OF COMMUNICATIONS ENERGY AND NATURAL
RESOURCES**

Respondent

Upon Motion of the Applicant in person made ex parte unto the
Court this day for leave to apply by way of an application for judicial review for the
following reliefs

Relief 1: Order of Certiorari

Order of “certiorari” of the Irish National Renewable Energy Action Plan
(NREAP) adopted under Directive 2009/28/EC and the Renewable Energy Feed
In Tariff (REFIT) scheme (State Aid N571/20006 and its extension)

Relief 2: Declaration

An order of *Declaration* by way of an application for Judicial Review in relation
to the current implementation of the renewable energy programme and its
associated funding arrangements. Is it lawful vis a vis Directive 2001/42/EC and
Article 7 of the Aarhus Convention to grant planning permission for such
developments and award funding under the REFIT scheme when no proper and
legally compliant environmental considerations and public participation in
decision-making have occurred in the development of this programme. In
particular, as a requirement of Annex I of Directive 2001/42/EC, the main
environmental protection objectives of the plan or programme should be clearly
defined and the alternative measures considered to achieve them

Relief 3: Order for Protective Costs

An order for *Protective Costs* in my favour by way of an application for Judicial
Review and under Section 50B (2A) of the Planning and Development Act 2000
(as amended by the Environment Miscellaneous Provisions Act 2011). As

applicant I seek said leave for Judicial Review pursuant to the law of the State that gives direct effect to the provisions of Directive 2001/42/EC and the UNECE Aarhus Convention as set forth in paragraph (d) of the Statement of Grounds herein signed by the Applicant on the Grounds set forth therein

Whereupon and on reading the Statement and the Affidavit of the Applicant filed on the 8th day of November 2012 verifying the facts set out in the said Statement and the exhibits referred to in said Affidavit

And on hearing said Applicant IT IS ORDERED that

1. The Applicant do have leave to apply by way of application for judicial review for the reliefs set forth at paragraph (d) in the aforesaid Statement on the grounds set forth at paragraph (e) therein
2. The said Applicant do serve an originating Notice of Motion returnable for the 15th day of January 2013 together with copies of the aforesaid Statement and verifying Affidavit and of this Order on the Chief State Solicitor on behalf of the Respondent
3. The costs of this application and Order be reserved

DAVID NEENAN
REGISTRAR
13th November 2012

Applicant in person

A COPY WHICH I ATTEST

FOR REGISTRAR