

**Dermot F. Sheehan
Barrister-at-Law**

Tim Smyth
Phelim O'Neill Solicitors
120 Pembroke Road
Dublin 4
BY EMAIL AND DX

Date: 29th January 2015

Your Reference: BRE0190001

Re: Rathineska Timahoe and Spink (RTS) Substation Action Group and Environmental Alliance Ireland v. An Bord Pleanala and Eirgrid
High Court 2014 340JR

Dear Tim,

Just a note as to what occurred on the 28th of January before Mr. Justice Haughton in relation to this matter.

I understand that before the hearing the solicitor for An Bord Pleanala indicated to you that they would be seeking their costs if we proceeded to seek a certificate to appeal and that although they indicated to the court previously, they did not think they were bound by such a representation. Unfortunately this was only communicated to us about two minutes before the judge was to sit.

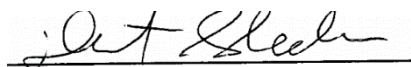
You attempted to get instructions from the clients before the judge sat, and we delayed him sitting by about ten minutes. I understand your instructions were to withdraw the application for a certificate.

Although section 50B of the Planning and Development Act ought to have protected us, there was always a risk the judge could have awarded a portion of the costs for the argument we made outside the leave we were granted.

Furthermore under section 50A(7) of the Planning and Development Act the court can only grant a certificate if it is a point of law of exceptional public importance that it is desirable that an appeal be made to the Court of Appeal. The threshold for getting a certificate is therefore quite high.

I hope this is of assistance.

Yours sincerely,



Dermot Francis Sheehan

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