

THE HIGH COURT

233 MCA

Record No.: ~~XXXXXX~~/2009

IN THE MATTER OF THE PLANNING AND DEVELOPMENT ACTS 2000-2006
AND IN THE MATTER OF AN APPLICATION PURSUANT TO SECTION 160
OF THE PLANNING AND DEVELOPMENT ACT, 2000 AS AMENDED.

Between

Johathan O'Donnell

Applicant

and

Shell E & P Ireland Limited

Respondent

NOTICE OF MOTION

TAKE NOTICE that on the *22* day of *November* 2009 at 11:00 o'clock in the forenoon or at the first available opportunity thereafter Counsel on behalf of the Applicant will apply to this Honorable court sitting at the Four Courts, Inns Quay in the City of Dublin for :

1. An Order pursuant to section 160 of the Planning and Development Act 2000 (as amended) restraining the Respondent, by itself, its servants or agents or otherwise from erecting or continuing to erect a Landfall Valve Installation, more particularly described in the grounding affidavit, at Glengad, Rosspart, Co. Mayo.
2. A Declaration pursuant to section 160 of the Planning and Development Act 2000 (as amended) that so much of the Landfall Valve Installation, as has been

constructed, more particularly described in the grounding affidavit, at Glengad, Rossport, Co. Mayo, is unauthorized development.

3. An Order directing the Respondent to remove so much of the Landfall Valve Installation as has been constructed, more particularly described in the grounding affidavit, at Glengad, Rossport, County Mayo
4. An Order pursuant to section 160 of the Planning and Development Act 2000 (as amended) restraining the Respondent, by itself, its servants or agents or otherwise from erecting or continuing to erect roads and fencing, more particularly described in the grounding affidavit, associated with Landfall Valve Installation aforesaid, at Glengad, Rossport, Co. Mayo.
5. A Declaration that roads and fencing, more particularly described in the grounding affidavit, constructed by the Respondent in the vicinity of and associated with the Landfall Valve Installation at Glengad, Rossport, County Mayo constitute unauthorized development.
6. An Order directing the Respondent to remove all roads and fencing constructed by the Respondent in the vicinity of and associated with the Landfall Valve Installation, more particularly described in the grounding affidavit, at Glengad, Rossport, County Mayo.
7. An Order pursuant to section 160 of the Planning and Development Act 2000 as amended directing the Respondent by itself, its servants or agents to restore the land at Glengad, Rossport, Ballina, County Mayo, to its condition prior to the commencement of the unauthorised development aforesaid.
8. An Order pursuant to section 160 of the Planning and Development Act 2000 (as amended) restraining the Respondent by itself, its servants or agents or otherwise from constructing and laying a waste discharge pipeline from the environs of Glengad, Rossport, Co. Mayo to point 12.7 kilometers at sea beyond Broadhaven Bay

9. An Order pursuant to section 160 of the Planning and Development Act 2000 as amended directing the Respondent, its servants or agents to cease all works or activities, whether at Glengad, Rosspoint, County of Mayo or at sea, associated with the construction of or laying of a waste discharge pipeline
10. A Declaration pursuant to section 160 of the Planning and Development Act 200 (as amended) that the construction of the aforesaid waste pipeline constitutes development and that any works associated with such waste pipeline thus far executed is unauthorized development.
11. An Order directing the parties to deliver Points of Claim and Points of Defence in respect of the claims made in support of and in defence of these proceedings
12. Such further and other orders pursuant to section 160 of the Planning and Development Act 2000 (as amended) as this Honorable Court deems fitting.
13. Liberty to file further affidavits if needed
14. Such further and other orders and directions as this Honourable court deems fitting.
15. Costs.

WHICH APPLICATION will be grounded upon this Notice of Motion and affidavit of service thereof, the Affidavit of Jonathan O'Donnell and its exhibits sworn the ^{30th} ~~July~~ ^{September} 2009, the nature of the case and the reasons to be offered.

Dated ^{30th} ~~July~~ ^{September} day of ~~July~~ 2009

M^S Garr

McGarr Solicitors

12 City Gate,

Lr. Bridge St.

Dublin 8

To; Shell E & P Ireland Ltd.

Corrib House,

150 Lr. Leeson St.

Dublin 2

To: The Chief Registrar
Law Courts
Dublin 7.

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Applicant

-And-

SHELL E & P IRELAND
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Notice of Motion

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Solicitors
12 City Gate
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Dublin 8