



STATUTORY INSTRUMENTS.

S.I. No. 200 of 2026

PLANNING AND DEVELOPMENT (COSTS OF PART 9 JUDICIAL
REVIEW PROCEEDINGS) REGULATIONS 2026

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I, DARRAGH O'BRIEN Minister for Climate, Energy and the Environment, in exercise of the powers conferred on me by sections 294(2) and 300 of the Planning and Development Act 2024 (No. 34 of 2024) (as adapted by the Environment, Climate and Communications (Alteration of Name of Department and Title of Minister) Order 2025 (S.I. No. 235 of 2025)), having consulted with the Minister for Housing, Local Government and Heritage and the Minister for Justice, Home Affairs and Migration (as adapted by the Justice (Alteration of Name of Department and Title of Minister) Order 2025 (S.I. No. 242 of 2025)), and with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation (as adapted by the Public Expenditure, National Development Plan Delivery and Reform (Alteration of Name of Department and Title of Minister) Order 2025 (S.I. No. 243 of 2025)), hereby make the following regulations:

Citation

1. These Regulations may be cited as the Planning and Development (Costs of Part 9 Judicial Review Proceedings) Regulations 2026.

Coming into operation

2. These Regulations shall come into operation on 18 May 2026.

Interpretation

3. (1) In these Regulations “Act of 2024” means the Planning and Development Act 2024 (No. 34 of 2024).

(2) Where a firm of solicitors is acting for an applicant, a reference in Schedule 1, 2, 3 or 4 to a “solicitor” shall be construed as a reference to the firm of solicitors.

(3) A reference in Schedule 1, 2, 3 or 4 to “Senior Counsel” shall include a barrister who is called to the Inner Bar or a solicitor who is granted a Patent of Precedence under Part 12 of the Legal Services Regulation Act 2015 (No. 65 of 2015).

Application

4. These Regulations apply to—

- (a) Part 9 judicial review proceedings referred to in paragraph (a) of the definition of “Aarhus Convention Proceedings” in section 291 of the Act of 2024 that are commenced on or after the date of coming into operation of these Regulations,

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 15th May, 2026.

- (b) an appeal to the Supreme Court taken in relation to proceedings referred to in paragraph (a),
- (c) an application under section 298 of the Act of 2024, in relation to proceedings referred to in paragraph (a), that is commenced on or after the date of coming into operation of these Regulations, and
- (d) a reference under Article 267 of the Treaty on the Functioning of the European Union made by a court dealing with proceedings referred to in paragraph (a) or an appeal referred to in paragraph (b).

Costs of proceedings

5. (1) Subject to Regulation 6, the costs awarded to an applicant in proceedings referred to in Regulation 4(a), in respect of all legal work carried out by a category of legal practitioner for the purposes of the proceedings before the filing of the first statement of opposition (within the meaning of the Rules of the Superior Courts (S.I. No. 15 of 1986)) in the proceedings, shall not exceed the monetary amount specified in column (2) of the table in Part A of Schedule 1 opposite the mention of that category of legal practitioner in column (1) of that table.

(2) Subject to Regulation 6, the costs awarded to an applicant in proceedings referred to in Regulation 4(a), in respect of all legal work carried out by a category of legal practitioner from the filing of the first statement of opposition in the proceedings until the filing of the first set of written replying legal submissions by a respondent or notice party in respect of the proceedings, shall not exceed the monetary amount specified in column (2) of the table in Part B of Schedule 1 opposite the mention of that category of legal practitioner in column (1) of that table.

(3) Subject to Regulation 6, the costs awarded to an applicant in proceedings referred to in Regulation 4(a) in respect of all legal work carried out by a category of legal practitioner from the filing of the first set of written replying legal submissions by a respondent or notice party in respect of the proceedings up to and including—

- (a) the hearing of the proceedings, where the proceedings are not modularised in accordance with the Rules of the Superior Courts, or
- (b) the hearing of the first module in the proceedings, where the proceedings are modularised,

shall not exceed the monetary amount specified in column (2) of the table in Part C of Schedule 1 opposite the mention of that category of legal practitioner in column (1) of that table.

(4) Subject to Regulation 6, where the proceedings referred to in Regulation 4(a) are modularised in accordance with the Rules of the Superior Courts, the costs awarded to an applicant in the proceedings, in the case of each module subsequent to the first module referred to in paragraph (3)(b), in respect of all legal work carried out by a category of legal practitioner from the conclusion of

the hearing of the first module (or the preceding module, as the case may be) up to and including the conclusion of the hearing of the subsequent module, shall not exceed the monetary amount specified in column (2) of the table in Part D of Schedule 1 opposite the mention of that category of legal practitioner in column (1) of that table.

(5) Subject to Regulation 6, the costs awarded to an applicant in proceedings referred to in Regulation 4(a), in respect of all legal work carried out by a category of legal practitioner in respect of the delivery of judgment in the proceedings, the conclusion of a settlement agreement in the proceedings, the withdrawal of the proceedings and the drawing up of final orders in the proceedings, shall not exceed the monetary amount specified in column (2) of the table in Part E of Schedule 1 opposite the mention of that category of legal practitioner in column (1) of that table.

(6) The costs awarded to an applicant in respect of an appeal to the Supreme Court referred to in Regulation 4(b) shall not exceed—

- (a) in the case of an application for leave to appeal to the Supreme Court under Article 34.5.4° of the Constitution, in respect of all legal work carried out by a category of legal practitioner for the purposes of the application, the monetary amount specified in column (2) of the table in Schedule 2 opposite the mention of that category of legal practitioner in column (1) of that table, or
- (b) where leave to appeal to the Supreme Court is granted under Article 34.5.4° of the Constitution, in respect of all legal work carried out by a category of legal practitioner for the purposes of the appeal, the monetary amount specified in column (3) of the table in Schedule 2 opposite the mention of that category of legal practitioner in column (1) of that table.

(7) Where a reference under Article 267 of the Treaty on the Functioning of the European Union is made by the High Court in proceedings referred to in Regulation 4(a) or the Supreme Court in an appeal referred to in Regulation 4(b), the costs awarded to the applicant in respect of all legal work carried out by a category of legal practitioner for the purposes of the reference shall not exceed—

- (a) where the reference is determined without a hearing held by the Court of Justice of the European Union, the monetary amount specified in column (2) of the table in Schedule 3 opposite the mention of that category of legal practitioner in column (1) of that table,
- (b) where the reference is determined with a hearing held by the Court of Justice of the European Union by way of video-conference, the monetary amount specified in column (3) of the table in Schedule 3 opposite the mention of that category of legal practitioner in column (1) of that table, or
- (c) where the reference is determined with a hearing held by the Court of Justice of the European Union in-person, the monetary amount specified in column (4) of the table in Schedule 3 opposite the mention of that category of legal practitioner in column (1) of that table.

(8) The costs awarded to an applicant in an application referred to in Regulation 4(c), in respect of all legal work carried out by a category of legal practitioner for the purposes of the application, shall not exceed the monetary amount specified in column (2) of the table in Schedule 4 opposite the mention of that category of legal practitioner in column (1) of that table.

(9) Schedule 4 shall apply in respect of an appeal brought to the Court of Appeal or the Supreme Court from an application referred to in paragraph (8) as it applies to the application.

(10) The costs awarded to an applicant in respect of the preparation of reports and provision of evidence by an expert witness in proceedings referred to in Regulation 4(a) shall not exceed the monetary amount of €2,500.

(11) The monetary amounts specified in these Regulations do not include value added tax.

(12) The monetary amounts specified in Schedules 1, 2, 3 and 4 include any disbursement, being a fee or cost (whether or not fixed by or under a statute or rules of court) payable to a third party that is necessarily and reasonably incurred by a legal practitioner for the purposes of the carrying out of the legal work for the applicant concerned, other than a fee prescribed under section 65 of the Courts of Justice Act 1936 (No. 48 of 1936) or a fee payable to a Commissioner for Oaths in accordance with the Rules of the Superior Courts.

(13) In paragraphs (1) to (6), a reference to “all legal work” shall include all legal work relating to an interim or interlocutory application made in the proceedings referred to in paragraphs (1) to (5) or the appeal referred to in paragraph (6).

Certification of complexity of proceedings for purposes of Schedule 1

6. (1) Where the High Court or the Supreme Court considers that the proceedings concerned are complex for the purposes of Schedule 1—

- (a) the High Court or Supreme Court shall so certify, and
- (b) a reference in paragraphs (1) to (5) of Regulation 5 to the monetary amount specified in column (2) of the applicable table in Schedule 1 shall be construed as a reference to the monetary amount specified in column (3) of that table.

(2) Where the High Court or the Supreme Court considers that the proceedings concerned are very complex for the purposes of Schedule 1—

- (a) the High Court or Supreme Court shall so certify, and
- (b) a reference in paragraphs (1) to (5) of Regulation 5 to the monetary amount specified in column (2) of the applicable table in Schedule 1 shall be construed as a reference to the monetary amount specified in column (4) of that table.

(3) In considering whether the proceedings are complex under paragraph (1), the High Court or the Supreme Court may have regard to the following matters:

- (a) the fact that the proceedings have been modularised in accordance with the Rules of the Superior Courts;

- (b) the fact that interim or interlocutory relief was sought in the proceedings;
- (c) the fact that the proceedings involved complex legal submissions relating to the law of the European Union, including issues in relation to the making of a reference under Article 267 of the Treaty on the Functioning of the European Union in the proceedings;
- (d) the extent of court time involved in determining the proceedings;
- (e) the time spent by legal practitioners in carrying out the legal work concerned.

(4) In considering whether the proceedings are very complex under paragraph (2), the High Court or the Supreme Court may have regard to the following matters:

- (a) the fact that priority was given to the fixing of trial dates in the proceedings under Order 103 Rule 32(4)(b)(i) of the Rules of the Superior Courts;
- (b) the fact that the proceedings have been divided into a significant number of modules in accordance with the Rules of the Superior Courts;
- (c) the fact that extensive expert evidence was adduced in the proceedings;
- (d) the fact that the proceedings involved very complex or novel legal submissions relating to the law of the European Union, including issues in relation to the making of a reference under Article 267 of the Treaty on the Functioning of the European Union in the proceedings;
- (e) the fact that the proceedings involved significant legal submissions in relation to novel legal issues or legal issues which may have application in other subsisting proceedings;
- (f) the fact that interim or interlocutory relief was sought in the proceedings;
- (g) the extent of court time involved in determining the proceedings;
- (h) the time spent by legal practitioners in carrying out the legal work concerned.

Schedule 1

Part 9 judicial review proceedings in the High Court

Part A

Category of legal practitioner (1)	Standard (2)	Complex (3)	Very complex (4)
Solicitor	€4,125	€6,190	€8,250
Junior Counsel	€1,875	€2,810	€3,750
Senior Counsel	€1,500	€2,250	€3,000

Part B

Category of legal practitioner (1)	Standard (2)	Complex (3)	Very complex (4)
Solicitor	€4,000	€6,000	€8,000
Junior Counsel	€3,000	€4,500	€6,000
Senior Counsel	€5,000	€7,500	€10,000

Part C

Category of legal practitioner (1)	Standard (2)	Complex (3)	Very complex (4)
Solicitor	€2,000	€2,500	€3,000
Junior Counsel	€3,000	€3,500	€4,000
Senior Counsel	€5,000	€5,500	€6,000

Part D

Category of legal practitioner (1)	Standard (2)	Complex (3)	Very complex (4)
Solicitor	€1,200	€1,700	€2,200
Junior Counsel	€1,800	€2,300	€2,800
Senior Counsel	€3,000	€3,500	€4,000

Part E

Category of legal practitioner (1)	Standard (2)	Complex (3)	Very complex (4)
Solicitor	€2,500	€2,750	€3,000
Junior Counsel	€500	€550	€600
Senior Counsel	€750	€825	€900

Schedule 2

Part 9 judicial review proceedings in the Supreme Court

Category of legal practitioner	Application for leave to appeal to the Supreme Court	Appeal to the Supreme Court
(1)	(2)	(3)
Solicitor	€1,000	€4,000
Junior Counsel	€1,000	€4,000
Senior Counsel	€1,500	€6,000

Schedule 3

Reference under Article 267 of the Treaty on the Functioning of the European Union

Category of legal practitioner	Ruling without a hearing	Hearing by way of video-conference	Hearing in-person
(1)	(2)	(3)	(4)
Solicitor	€3,000	€3,500	€4,500
Junior Counsel	€3,000	€3,500	€4,500
Senior Counsel	€4,000	€4,500	€6,000

Schedule 4

Application under section 298 of the Act of 2024

Category of legal practitioner (1)	Monetary amount (2)
Solicitor	€750
Junior Counsel	€750
Senior Counsel	€1,000

The Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation consents to the foregoing Regulations.

L.S.

GIVEN under my Official Seal,
12 May, 2026.

JACK CHAMBERS,
Minister for Public Expenditure,
Infrastructure, Public Service
Reform and Digitalisation.

L.S.

GIVEN under my Official Seal,
12 May, 2026.

DARRAGH O'BRIEN,
Minister for Climate, Energy
and the Environmen.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations provide for the prescribing of fees for work carried out by different categories of legal practitioners in respect of Part 9 Judicial Review Proceedings.

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