



NOTICE OF DETERMINATION

In accordance with section 21A of the Foreshore Act 1933, as amended, the Minister of State, Department of Housing, Local Government and Heritage with special responsibility for Planning and Local Government (“the Minister”) hereby gives notice that he has determined an application dated 8 July 2020 for a licence under Section 3(1) of the Foreshore Act, 1933 (as amended) made by DROGHEDA PORT COMPANY LTD (“the Applicant”) in respect of MAINTENANCE DREDGING at COMMERCIAL ESTUARY OF THE RIVER BOYNE AND SEAWARD APPROACHES (FS007028).

DETERMINATION

The Minister has determined pursuant to the provisions of the Foreshore Act, 1933 (as amended) to grant a Foreshore Licence to the Applicant in respect of the development described in the application, subject to the conditions set out in the Foreshore Licence, and has affixed his seal thereto.

MAIN REASONS AND CONSIDERATIONS

The Minister has had regard to the following matters in determining the application for a Foreshore Licence:

- the application for the Foreshore Licence together with accompanying materials;
- the submissions received from prescribed bodies and the applicant’s responses;
- the submissions received during the public consultation and the applicant’s responses;
- the nature of the proposal and its objective;
- the consent conditions to be attached to the Foreshore Licence,
- the pre-screening for environmental impact assessment of the proposed works;
- the screening for appropriate assessment of the proposed developments prepared by Ove Arup & Partners Ireland Limited (“Arup”) with Hartley Anderson Limited, and adopted by the Minister;
- the Screening for Appropriate Assessment Determination signed by the Minister;
- the Non-Statutory Environmental Report/Analysis of the proposed developments prepared by Ove Arup & Partners Ireland Limited (“Arup”) with Hartley Anderson Limited and adopted by the Minister;
- the technical assessment, including the agreement and adoption of the environmental assessment of the proposed works by the Marine Licence Vetting Committee (“MLVC”), and its conclusions and recommendations;
- the advice of the Foreshore Section of the Department of Housing, Local Government and Heritage.

Having had regard to the foregoing, and in particular having regard to the environmental reports adopted by the Minister, the consent conditions attached to the Foreshore consent, and the recommendation of the MLVC, the Minister is satisfied that: (i) the proposed development on the foreshore is not likely to have significant effects on the environment, (ii) the Appropriate

Assessment identified the appropriate mitigation such that proposed development on the foreshore, alone or in-combination with other plans or projects, is not likely to have any significant effect on a European Site; and (iii) it is in the public interest to grant the Foreshore consent having regard to the nature of the proposal.

The following information is available on the website of Department of Housing, Local Government and Heritage at:

<https://www.gov.ie/en/foreshore-notice/38923-drogheda-port-company-dredging-of-river-boyne/?referrer=http://www.gov.ie/en/publication/a2f98-drogheda-port-company-dredging-of-river-boyne/>

- (i) Notice of Determination;
- (ii) Approval of the Minister to Grant the Foreshore Licence;
- (iii) Foreshore Licence as executed between the parties, including conditions attached to the determination (which forms part of the Foreshore Licence;
- (iv) Appropriate Assessment Screening and Appropriate Assessment, adopted by the Minister;
- (v) Screening for Appropriate Assessment Determination;
- (vi) AA Determination and Conclusion Statement
- (vii) Environmental Report prepared by Arup;
- (viii) MLVC Report and Appendix thereto;
- (ix) Marine Advisor Report and Statutory Declarations
- (x) Information on the public participation process, including copies of all submissions received and the applicant's responses to those submissions;
- (xi) Submissions made by prescribed bodies and the applicant's responses to those submissions;
- (xii) Application for a Foreshore Licence together with supporting materials.
- (xiii) Submission (AA Determination and conclusion statement)
- (xiv) Submission (Screening for Appropriate Assessment Determination)
- (xv) Submission (FS7028 FS Licence application)
- (xvi) Dumping at Sea Permit

This material may also be inspected free of charge at the following office of the Department:

Foreshore Section
Department of Housing, Local Government and Heritage
Newtown Road
Wexford

Tel: 1890 20 20 21
Email: foreshore@housing.gov.ie

REVIEW PROCEDURE

A review procedure is available before the High Court whereby the substantive or procedural legality of the Minister's determination may be challenged. The review procedure is governed by Order 84 of the Rules of the Superior Courts, 1986 (S.I. 15 of 1986, as amended by S.I. 691 of 2011). A person wishing to avail of the review procedure must first file (i) a statement of grounds;

and (ii) a verifying affidavit, in the Central Office of the High Court. It is then necessary to make an *ex parte* application for leave to a judge of the High Court.

An application for leave to apply for judicial review shall be made within three months from the date when grounds for the application first arose under Section 21(1) of the Order 84 of the Rules of the Superior Courts as amended by S.I No 691 of 2011. The time-limit for such a review commences from the Date of Publication of this Notice of Determination. Practical information on the review mechanism can be obtained from the Citizens Information's website at citizensinformation.ie.

Section 50B of the Planning and Development Act, 2000 as amended applies *inter alia* to Judicial Review Proceedings. The matter of costs is addressed under Subsections (2),(2A),(3) &(4). Notwithstanding anything contained in Order 99 of the Rules of the Superior Courts (S.I. 15 of 1986) and subject to subsections (2A), (3) &(4), in proceedings to which this section applies, each party to the proceedings (including any notice party) shall bear its own costs. The full text of Section 50B is available at:

<http://www.irishstatutebook.ie/2010/en/act/pub/0030/sec0033.html#sec33> and
<http://www.irishstatutebook.ie/2011/en/act/pub/0020/sec0021.html#sec21>

Part 2 Environment (Miscellaneous Provisions) Act 2011, Costs of Certain Proceedings to be Borne by Each Party in Certain Circumstances

<https://www.irishstatutebook.ie/eli/2011/act/20/section/3/enacted/en/html#part2>

DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND HERITAGE 10/12/2021