



NOTICE OF DETERMINATION

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 18th March 2021 for a Licence under Section 3 of the Foreshore Act, 1933 (as amended) made by O’Hanlon & Sons Contractors Limited of George’ Quay, Dundalk, County Louth (“the Applicant”) in respect of maintenance dredging in the areas of Soldiers Point and Buoy 15 in the navigation channel to/from Dundalk Port, County Louth (Application Reference Number FS007223).

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 activity 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 and Consent:

- the application for the Foreshore Licence together with accompanying materials;
- the submissions received from prescribed bodies and the applicant’s responses;
- the public consultation undertaken;
- the consent conditions to be attached to the Foreshore Licence and Consent, if granted; and
- the nature of the proposal and its objective
- the Screening for Appropriate Assessment report of the proposed activity, prepared by the Independent Environmental Consultant for the Department and adopted by the Minister under domestic and EU law, including the Birds Directive and the Habitats Directive, and its conclusions and recommendations in this regard;
- EU Habitats Directive: Article 12 Assessment of the proposed activity prepared by the Independent Environmental Consultant [ARUP]
- The Environmental Determination (Screening for Appropriate Assessment) of the proposed activity signed/determined 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 in this regard;



- the advice of the Marine Environment and Foreshore Section of the Department of Housing, Local Government and Heritage.

Having had regard to the foregoing, and in particular having regard to the consent conditions attached to the Foreshore Licence and having agreed with the recommendation of the MLVC, the Minister is satisfied (i) that the proposed activity on the foreshore would not have significant impacts on the environment, human health and safety, (ii) that the proposed development on the foreshore would not adversely affect the integrity of any European Site; and (iii) that 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/6387a-dundalk-port-maintenance-dredging/>

- (i) Notice of Determination;
- (ii) Approval of the Minister to grant the Foreshore Licence
- (iii) Foreshore Licence and Map as executed between the parties, including conditions
- (iv) MLVC Report and Appendix thereto;
- (v) Information on the public participation process,
- (vi) Submissions made by prescribed bodies and the applicant's responses to those submissions;
- (vii) Application for a Foreshore Licence together with supporting materials.
- (viii) Screening for Appropriate Assessment Report [ARUP]
- (ix) Screening for Appropriate Assessment Determination, signed by Minister;
- (x) Non Statutory Environmental Report [ARUP]
- (xi) Marine Advisor Environmental Assessment Report
- (xii) Examination of EIA
- (xiii) NMPF Compliance Assessment
- (xiv) Submission (Screening for AA Determination)
- (xv) Submission (FS007223 FS Licence)

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 is required to be made promptly and in any event within three months from the date when grounds for the application first arose, unless the Court considers, among other things, that there is good and sufficient reason for extending the period within which the application shall be made. The time-limit for such a review begins to run from the date of this notice of determination. Practical information on the review mechanism can be obtained from the Citizens Information Board, Ground Floor, George's Quay House, 43 Townsend Street, Dublin 2.

Pursuant to the provisions of Section 50B of the Planning and Development Act, 2000 (as inserted by the Planning and Development (Amendment) Act, 2010), the special rules that apply in respect of the legal costs of judicial review proceedings based on European Environmental Law may apply to the judicial review proceedings. The general rule is that each party bears its own costs, irrespective of the outcome of the judicial review proceedings. The High Court retains discretion, however, to award costs in certain cases. 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>

DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND HERITAGE
25/11/2022