



IRIS OIFISIÚIL

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[8]

—
An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreacht
Department of Housing,
Local Government and Heritage

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 23/11/2020 for a licence under Section 3(1) of the Foreshore Act, 1933 (as amended) made by UISCE ÉIREANN (“the Applicant”) in respect of the CONSTRUCTION OF A WASTE WATER COLLECTION AND TREATMENT SYSTEM for the COMBINED VILLAGES OF WHITEGATE AND AGHADA, CO. CORK (FS007027).

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.

[13]

MAIN REASONS AND CONSIDERATIONS

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

- the application for a Foreshore Licence together with accompanying documents;
- the pre-screening for environmental impact assessment of the proposed works;
- the Natura Impact Statement;
- the submissions received from prescribed bodies and the applicant's responses;
- the submissions received during the public consultation and the applicant's responses;
- other plans or projects that may, in combination with the plan or project under consideration, adversely affect the integrity of a European Site;
- any supplemental information furnished by the Applicant in relation to the NIS;
- the screening for Appropriate Assessment of the proposed plan or project prepared by Roughan & O'Donovan and adopted by the Minister;
- the Screening for Appropriate Assessment Determination signed by the Minister on 21/06/2022;
- the submissions received during the public consultation carried out for the purpose of the Appropriate Assessment and the applicant's responses;
- the Appropriate Assessment prepared by Roughan & O'Donovan and adopted by the Minister;
- the Appropriate Assessment Determination signed by the Minister on 05/04/2023;
- the Risk Assessment for Annex IV Species of the proposed development prepared by Roughan & O'Donovan and adopted by the Minister;
- the nature of the proposal and its purpose;
- the consent conditions to be attached to the Foreshore Licence, if granted;
- 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 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, the environmental reports adopted by the Minister, 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 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 Licence 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/43d64-foreshore-notice-fs007027/>

- 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 form part of the Foreshore Licence);
- iv. MLVC Report and Appendix thereto;
- v. The Screening for Appropriate Assessment;
- vi. The Screening for Appropriate Assessment Determination;
- vii. The Appropriate Assessment;
- viii. The Appropriate Assessment Determination;
- ix. The pre-screening for environmental impact assessment of the proposed works;
- x. Information on the public participation process, including copies of all submissions received;
- xi. Submissions made by prescribed bodies;
- xii. Application for a Foreshore Licence together with supporting materials;
- xiii. The Natura Impact Statement

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
Y35 AP90
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). 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 application for leave to apply to 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>

DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND HERITAGE

23/06/2023

[16A]

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 05/01/2021 for a licence under Section 3(1) of the Foreshore Act, 1933 (as amended) made by DONEGAL COUNTY COUNCIL (“the Applicant”) in respect of DREDGING AND BEACH NOURISHMENT at AT MAGHERAROARTY PIER, CO DONEGAL (FS007084).

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.

MAIN REASONS AND CONSIDERATIONS

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

- the application for a Foreshore Licence together with accompanying documents;
- the pre-screening for environmental impact assessment of the proposed works;
- the Natura Impact Statement;
- the submissions received from prescribed bodies and the applicant’s responses;
- the submissions received during the public consultation and the applicant’s responses;
- other plans or projects that may, in combination with the plan or project under consideration, adversely affect the integrity of a European Site;
- any supplemental information furnished by the Applicant in relation to the NIS;
- the screening for Appropriate Assessment of the proposed plan or project prepared by RPS and adopted by the Minister;

- the Screening for Appropriate Assessment Determination signed by the Minister on 01/10/2021;
- the submissions received during the public consultation carried out for the purpose of the Appropriate Assessment and the applicant’s responses;
- the Appropriate Assessment prepared by RPS and adopted by the Minister;
- the Appropriate Assessment Determination signed by the Minister on 22/03/2022;
- the Risk Assessment for Annex IV Species of the proposed development prepared by RPS and adopted by the Minister;
- the nature of the proposal and its purpose;
- the consent conditions to be attached to the Foreshore Licence, if granted;
- 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 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, the environmental reports adopted by the Minister, 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 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 Licence 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/6da98-fs007084-application-for-foreshore-licence-for-dredging-and-beach-nourishment-at-magheraroarty-pier-co-donegal/>

- 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 form part of the Foreshore Licence);
- iv. MLVC Report and Appendix thereto;
- v. The Screening for Appropriate Assessment;
- vi. The Screening for Appropriate Assessment Determination;
- vii. The Appropriate Assessment;
- viii. The Appropriate Assessment Determination;
- ix. The pre-screening for environmental impact assessment of the proposed works;
- x. The Screening for EIA;
- xi. Information on the public participation process, including copies of all submissions received;
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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>

DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND HERITAGE

23/06/2023

[16B]

FÓGRA CINNIDH

De réir alt 21A den Acht Urthrá 1933, arna leasú, tugann an tAire Stáit, An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreacht ar a bhfuil freagracht speisialta as Pleanáil agus Rialtas Áitiúil (“an tAire”) fógra leis seo go bhfuil cinneadh déanta aige ar iarratas dar dáta 05/01/2021 ar cheadúnas faoi Alt 3(1) den Acht Urthrá, 1933 (arna leasú) a rinne COMHAIRLE CONTAE DHÚN NA NGALL (“an tIarratasóir”) maidir le DREIDIREACHT AGUS COTHÚ TRÁCHTA AG CÉ MHACHAIRE RABHARTAIGH, CO DHÚN NA NGALL (FS007084).

CINNEADH

Chinn an tAire de bhun forálacha na hAchta Urthrá, 1933 (arna leasú) Ceadúnas Urthrá a thabhairt don Iarratasóir i leith na forbartha a dhéantar cur síos uirthi san iarratas, faoi réir na gcoinníollacha a leagtar amach sa Cheadúnas Urthrá.

NA PRÍOMHCHÚISEANNA AGUS NA PRÍOMHCHÚINSÍ

Thug an tAire aird ar na nithe seo a leanas le linn an iarratais ar Cheadúnas Urthrá a chinneadh:

- an t-iarratas ar Cheadúnas Urthrá mar aon leis na doiciméid a ghabhann leis;
- an réamhscagadh le haghaidh measúnachta tionchair timpeallachta a dhéanamh ar na hoibreacha atá beartaithe;
- an Ráiteas Tionchair Natura;
- na haighneachtaí a fuarthas ó chomhlachtaí forordaithe agus freagraí an iarratasóra;
- na haighneachtaí a fuarthas le linn comhairliúchán poiblí agus freagraí an iarratasóra;
- pleananna nó tionscadail eile a d'fhéadfadh, in éineacht leis an bplean nó tionscadal á bhreithniú, dochar a dhéanamh do shláine an Láithreáin Eorpigh;
- aon fhaisnéis fhorlíontach a thabharfaidh an t-Iarratasóir maidir leis an NIS;
- an scagadh le haghaidh Measúnacht Chuí ar an bplean nó ar an tionscadal molta arna ullmhú ag RPS agus arna ghlacadh ag an Aire;
- an Cinneadh maidir le Scagadh Measúnachta Cuí a shínigh an tAire ar an 01/10/2021;
- na haighneachtaí a fuarthas le linn comhairliúchán poiblí ar tugadh faoi chun críche Measúnacht Chuí a dhéanamh ar fhreagraí an iarratasóra;
- an Measúnú Cuí arna ullmhú ag RPS agus arna ghlacadh ag an Aire;
- an Cinneadh um Measúnú Cuí a shínigh an tAire ar an 22/03/2022;
- an Measúnú Riosca do Speicis Iarscábhinn IV den fhorbairt bheartaithe arna ullmhú ag RPS agus arna ghlacadh ag an Aire;
- cineál agus cuspóir an togra
- na coinníollacha toilithe atá le cur leis an gCeadúnas Urthrá, má dheonaítear é;
- an mheasúnacht theicniúil, teacht ar chomhaontú agus glacadh leis an measúnú comhshaoil san áireamh maidir leis na hoibreacha atá beartaithe ag an gCoiste um Cheadúnais Mhara a Ghrinnfhiosrú (“MLVC”), chomh maith lena conclúidí agus moltaí i ndáil leis seo;

- An chomhairle ó Rannóg Urthrá na Roinne Tithíochta, Rialtais Áitiúil agus Oidhreacht.

Ag féachaint do na nithe roimhe seo, agus ag féachaint go háirithe do na coinníollacha toilithe ceangailte leis an gCeadúnas Urthrá, na tuarascálacha comhshaoil glactha ag an Aire, agus moladh an MLVC, tá an tAire sásta: (i) nach dócha go mbeidh toradh suntasach ag an bhforbairt bheartaithe le lonnú ar an urthrá ar an timpeallacht; (ii) nach ndéanfadh an fhorbairt bheartaithe le lonnú ar an urthrá dochar do shláine aon Láithreáin Eorpaigh; agus (iii) gurb é leas an phobail é an Ceadúnas Urthrá a dheonú ag féachaint do chineál an togra.

Tá an t-eolas seo a leanas ar fáil ar shuíomh gréasáin na Roinne Tithíochta, Rialtais Áitiúil agus Oidhreacht ag:

<https://www.gov.ie/en/foreshore-notice/6da98-fs007084-application-for-foreshore-licence-for-dredging-and-beach-nourishment-at-magheraroarty-pier-co-donegal/>

- Fógra Cinnidh;
- Ceadú ón Aire chun Ceadúnas Urthrá a Dheonú;
- Ceadúnas Urthrá arna fhorghníomhú idir na páirtithe, coinníollacha a ghabhann leis an gcinneadh (atá mar chuid den Cheadúnas Urthrá san áireamh);
- Tuarascáil MLVC agus Aguisín leis;
- Scagadh le haghaidh Measúnacht Iomchuí
- Scagadh le haghaidh Chinneadh na Measúnachta Iomchuí;
- An Mheasúnacht Iomchuí;
- Cinneadh na Measúnachta Iomchuí;
- An réamhscagadh do mheasúnú tionchair timpeallachta na n-oibreacha beartaithe;
- An Scagadh le haghaidh EIA;
- Faisnéis faoin bpróiseas rannpháirtíochta poiblí, cóipeanna de na haighneachtaí go léir a fuarthas san áireamh;
- na haighneachtaí a fuarthas ó chomhlachtaí forordaithe;
- Iarratas ar Cheadúnas Urthrá in éineacht le hábhair tacaíochta;
- An Ráiteas Tionchair Natura.

Is féidir an t-ábhar seo a iniúchadh saor in aisce freisin ag oifig na Roinne seo a leanas:

Rannóg Urthrá
An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreacht
Bóthar an Bhaile Nua
Loch Garman
Y35 AP90
Fón: 1890 20 20 21
Ríomhphost: foreshore@housing.gov.ie

GNÁS ATHBHREITHNITHE

Tá nós imeachta athbhreithnithe ar fáil os comhair na hArd-Chúirte trínar féidir agóid a dhéanamh i gcoinne dhlíthiúlacht shubstainteach nó dhlíthiúlacht nós imeachta chinneadh an Aire. Tá an nós imeachta athbhreithnithe faoi rialú Ordú 84 de Rialacha na nUaschúirteanna, 1986 (I.R. 15 de 1986). Ní mór do dhuine ar mian leis leas a bhaint as an nós imeachta um athbhreithniú (i) ráiteas i dtaobh na bhforas a chomhdú ar dtús; agus (ii) mionscríbhinn fhíoraithe a chomhdú, i bPríomh-Oifig na hArd-Chúirte. Is gá ansin iarratas a dhéanamh ar chead chun iarratas a dhéanamh chun na hArd-Chúirte.

Déanfar iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach laistigh de thrí mhí ón dáta ar tháinig na forais leis an iarratas chun cinn den chéad uair faoi Alt 21(1) d'Ordú 84 de Rialacha na nUaschúirteanna arna leasú le S.I Uimh. 691 de 2011. Tosaíonn an

teorainn ama le haghaidh athbhreithnithe den sórt sin ó dháta foilsithe an Fhógra Cinnidh seo. Is féidir faisnéis phraiticiúil faoin sásra athbhreithnithe a fháil ón suíomh gréasáin um Fhaisnéis do Shaoránaigh ag citizensinformation.ie

Tá feidhm ag alt 50B den Acht um Pleanáil agus Forbairt, 2000, arna leasú, *inter alia*, maidir le hImeachtaí Athbhreithnithe Breithiúnacha. Tugtar aghaidh ar ábhar na gcostas faoi Fhoailt (2),(2A),(3) & (4). D'ainneoin aon ní in Ordú 99 de Rialacha na nUaschúirteanna (I.R. 15 de 1986) agus faoi réir fho-ailt (2A), (3) agus (4), in imeachtaí lena mbaineann an t-alt seo, íocfaidh gach páirtí sna himeachtaí (aon fhógrapháirtí san áireamh) a gcostas féin. Tá téacs iomlán Alt 50B ar fáil ag:

<http://www.irishstatutebook.ie/2010/en/act/pub/0030/sec0033.html#sec33>

AN ROINN TITHÍOCHTA, RIALTAIS ÁITIÚIL AGUS OIDHREACHTA

23/06/2023

[16C]

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 02/09/2020 for a licence under Section 3(1) of the Foreshore Act, 1933 (as amended) made by UISCE ÉIREANN (“the Applicant”) in respect of RAMELTON, MILFORD AND RATHMULLEN SEWERAGE SCHEME at RAMELTON MILFORD AND RATHMULLAN, CO. DONEGAL (FS007108).

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

MAIN REASONS AND CONSIDERATIONS

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

- the application for a Foreshore Licence together with accompanying documents;
- the pre-screening for environmental impact assessment of the proposed works;
- the Natura Impact Statement;
- the submissions received from prescribed bodies and the applicant’s responses;
- other plans or projects that may, in combination with the plan or project under consideration, adversely affect the integrity of a European Site;

- any supplemental information furnished by the Applicant in relation to the NIS;
- the screening for Appropriate Assessment of the proposed plan or project prepared by Roughan & O'Donovan and adopted by the Minister;
- the Screening for Appropriate Assessment Determination signed by the Minister on 10/11/2022;
- the submissions received during the public consultation carried out for the purpose of the Appropriate Assessment and the applicant's responses;
- the Appropriate Assessment prepared by Roughan & O'Donovan and adopted by the Minister;
- the Appropriate Assessment Determination signed by the Minister on 25/04/2023;
- the Risk Assessment for Annex IV Species of the proposed development prepared by Roughan & O'Donovan and adopted by the Minister;
- the nature of the proposal and its purpose;
- the consent conditions to be attached to the Foreshore Licence, if granted;
- 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 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, the environmental reports adopted by the Minister, 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 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 Licence 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/bb284-irish-water-ramelton-milford-and-rathmullansewerage-scheme/>

- i. Notice of Determination;
- ii. Approval of the Minister to Grant the Foreshore Licence;
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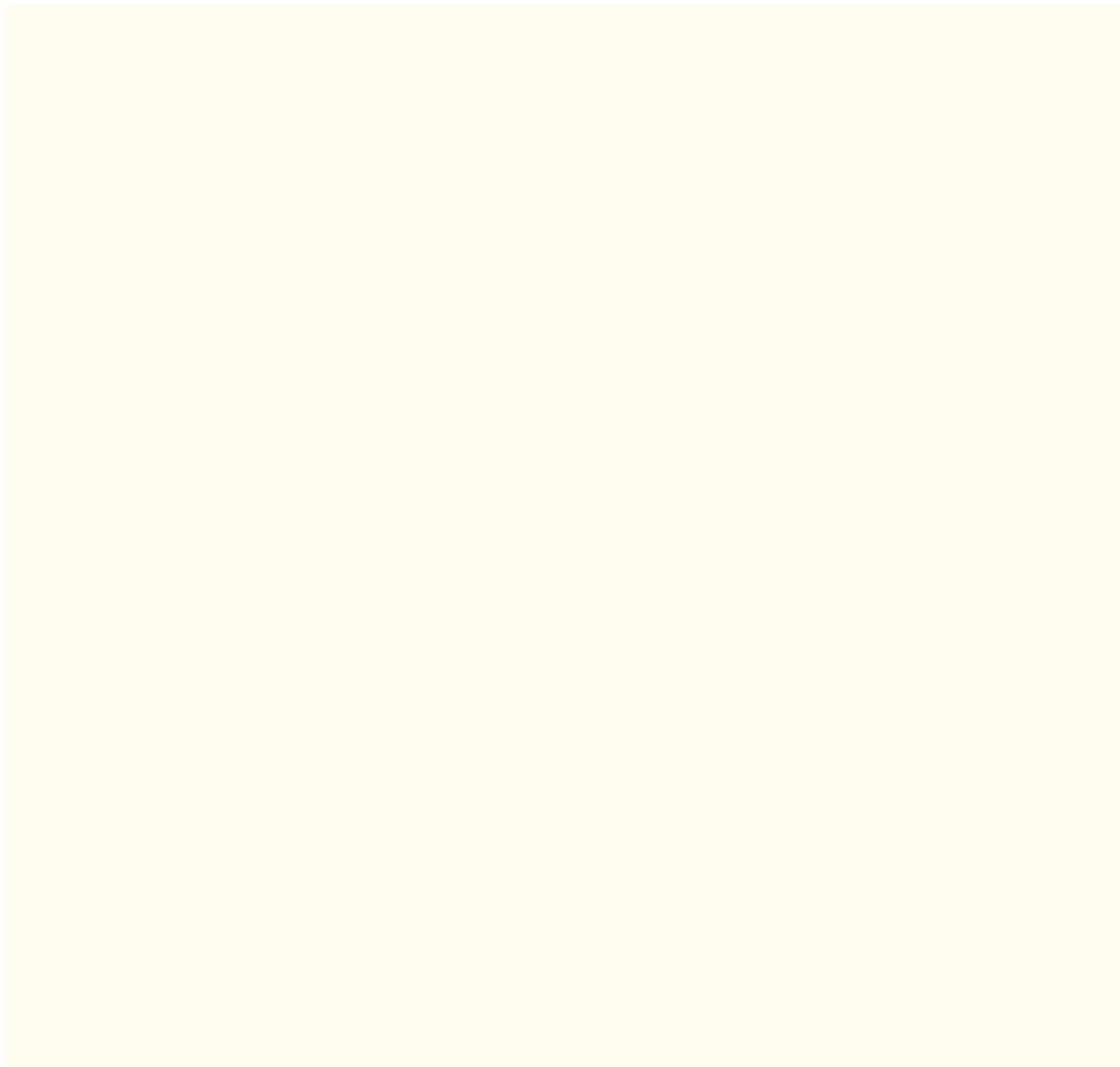
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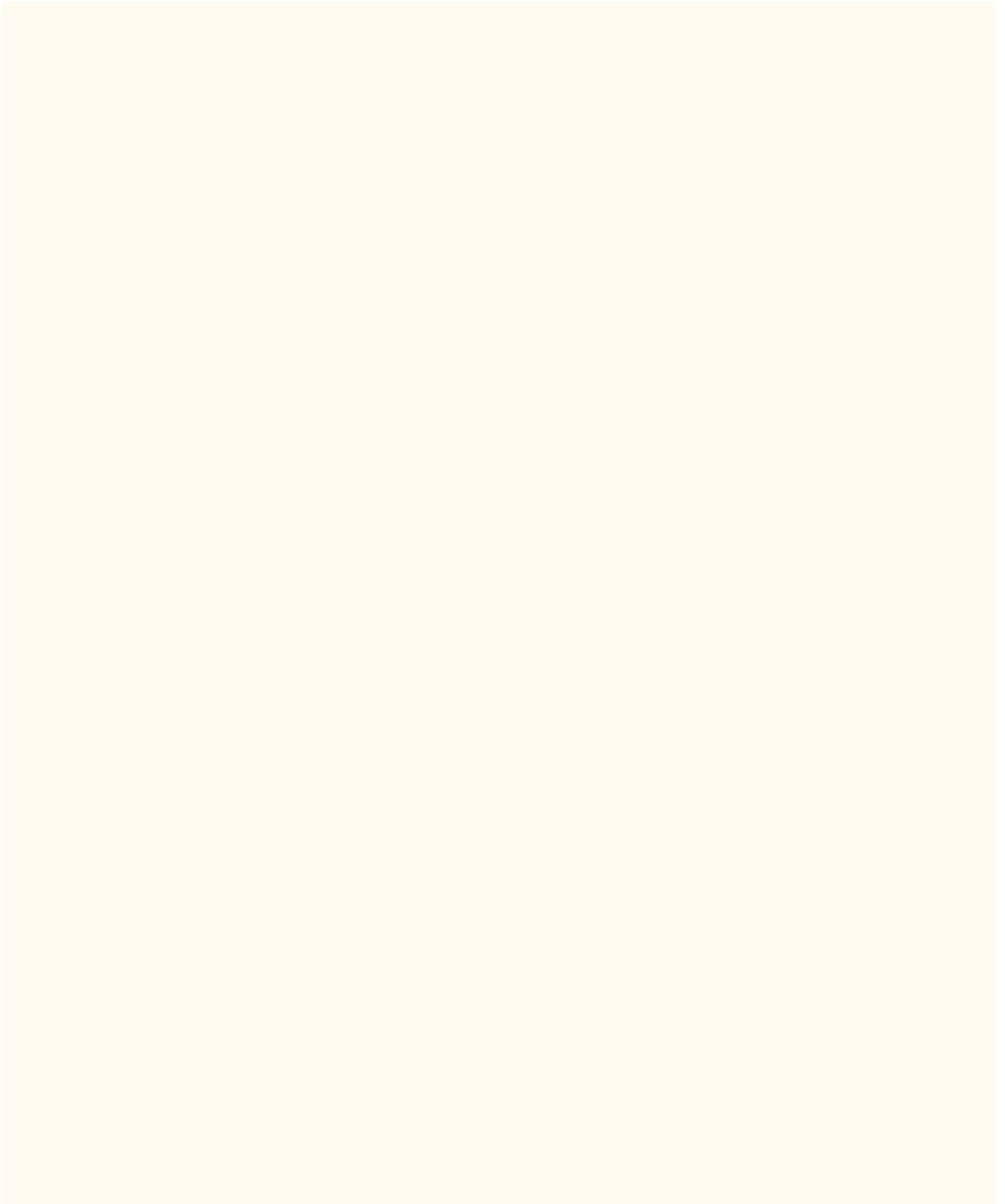
DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND HERITAGE

23/06/2023

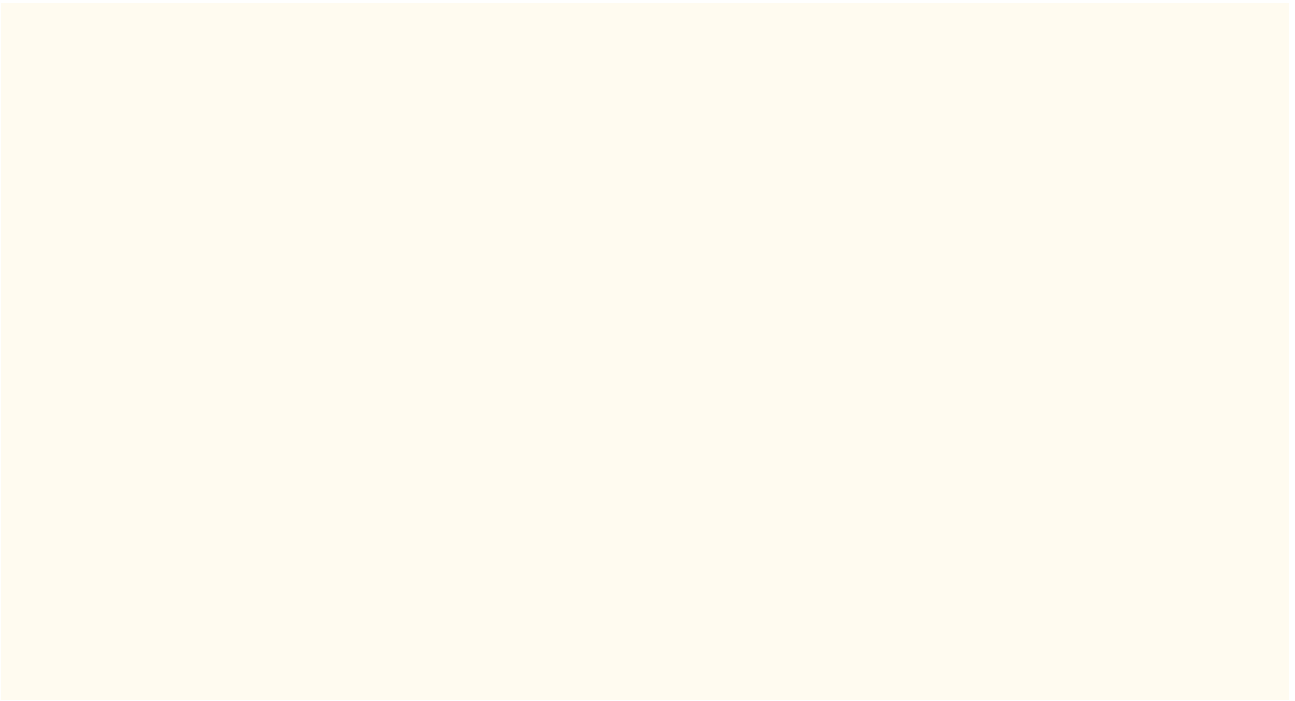
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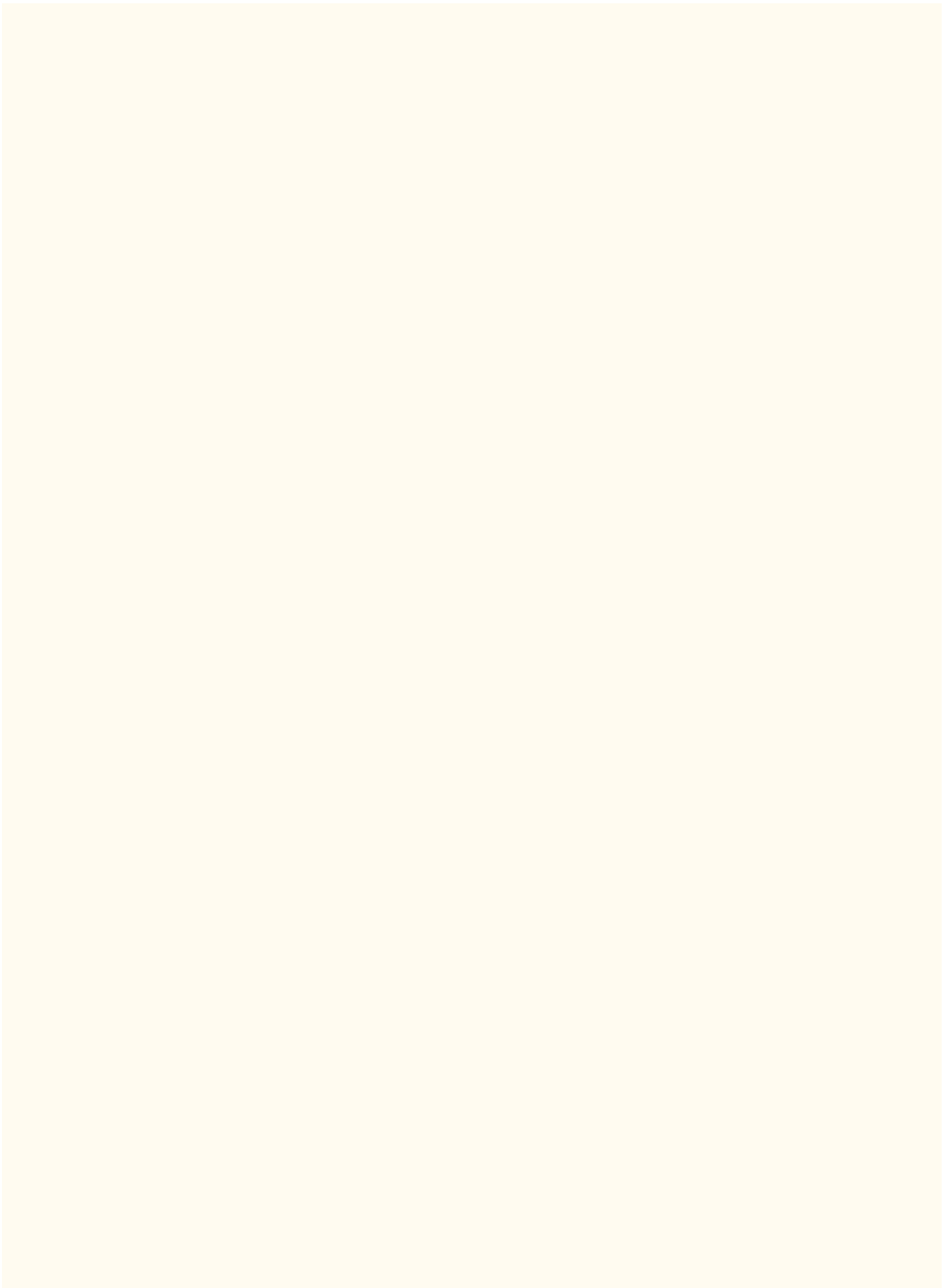


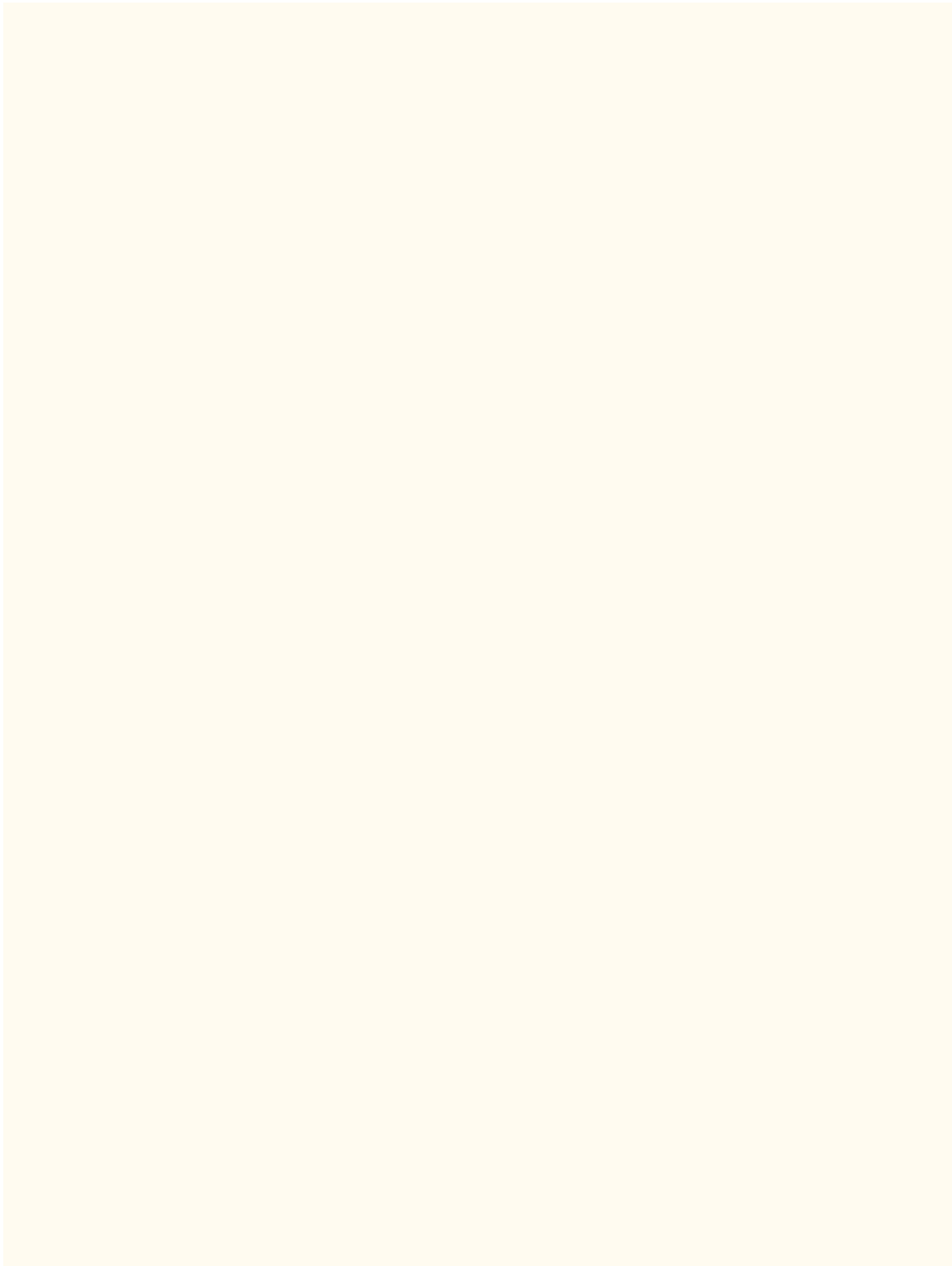


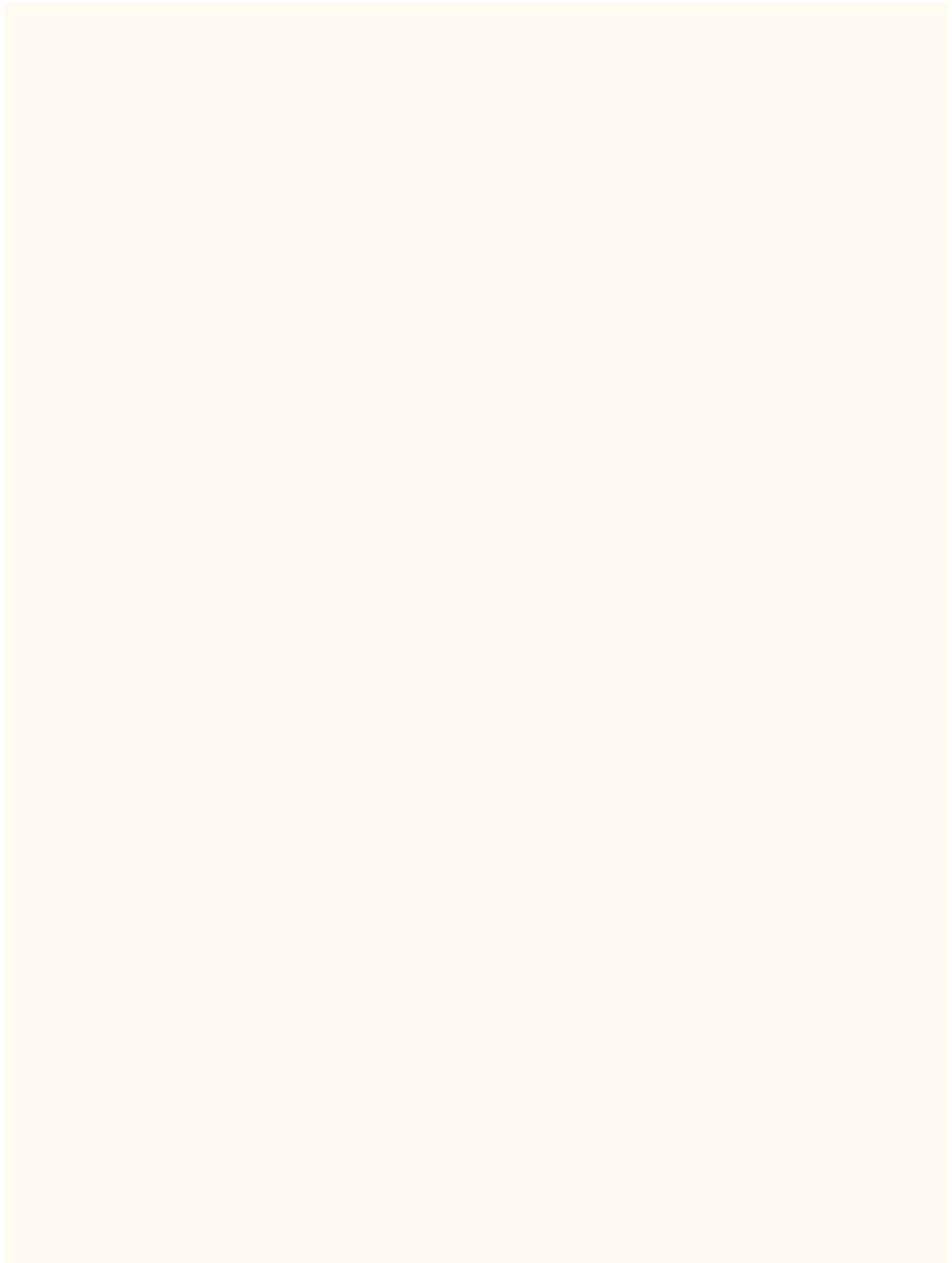


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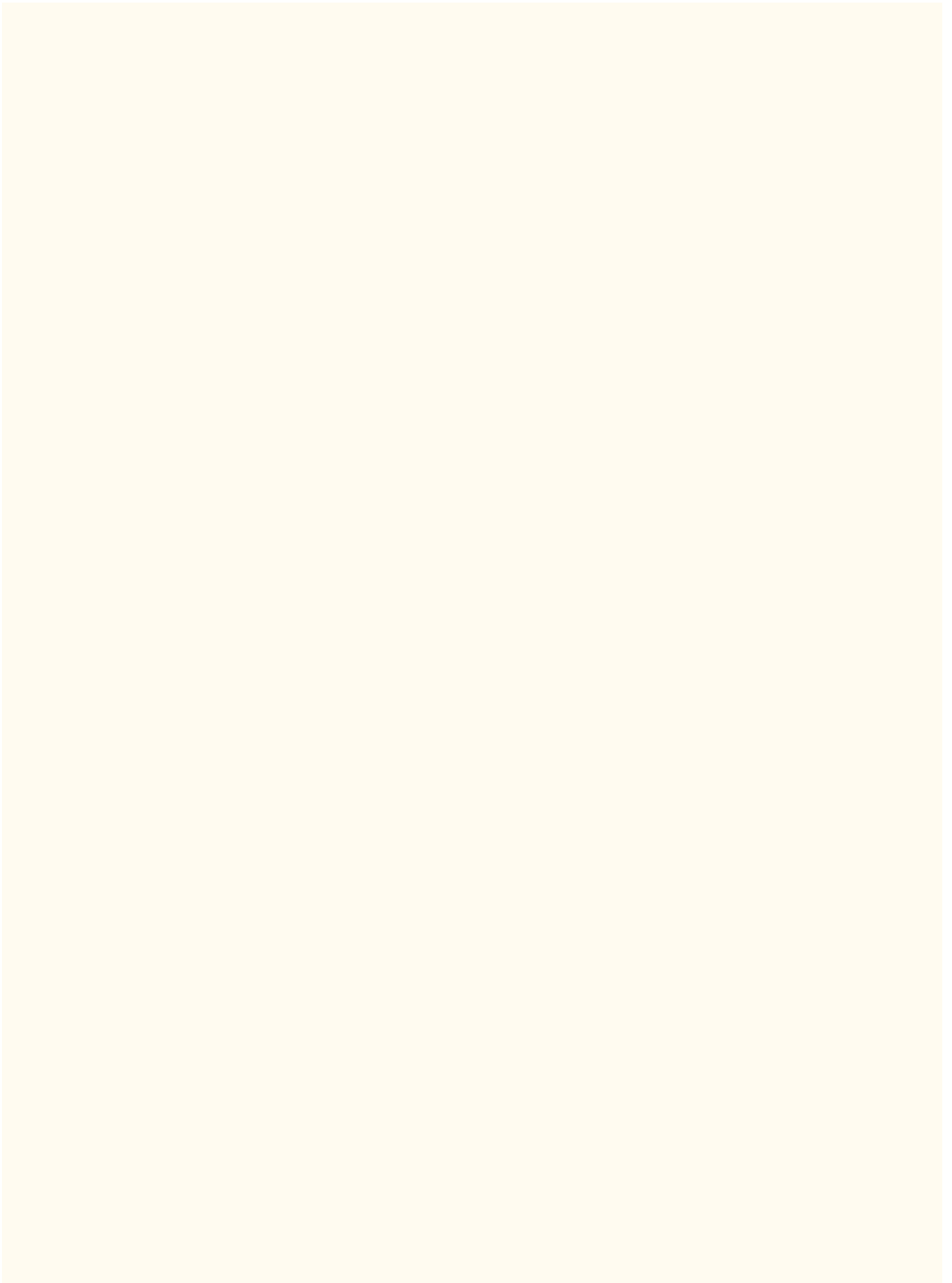
















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