

## PUBLIC NOTICE

### Application for a Foreshore Licence and Invitation for Public Submissions or Observations on Appropriate Assessment

Donegal County Council has applied to the Minister for Agriculture, Food and the Marine for a Foreshore Licence under Section 3 of the Foreshore Act 1933, as amended, for the purposes of occupying an area of foreshore to replace existing viaduct deck and other structural elements at Rathmullen Pier, Co. Donegal.

#### Public Consultation – Foreshore Licence

Notice is hereby given for a Foreshore Licence application under the Foreshore Act 1933, as amended for the purposes of occupying an area of foreshore to replace existing viaduct deck and other structural elements at Rathmullen Pier, Co. Donegal.

In this regard, public submissions are invited on the proposed applications.

#### Invitation for Public Submissions or Observations on Appropriate Assessment

Notice is hereby given in accordance with Regulation 42 of SI 477/2011 – European Communities (Birds and Natural Habitats) Regulations 2011, as amended, that the Minister for Agriculture, Food and the Marine in considering an application a Foreshore Licence under the Foreshore Act 1933, as amended, and in particular whether or not the project would have a significant impact on a European Site, has determined that an Appropriate Assessment is required.

A copy of the Screening for Appropriate Assessment decision is available at:

[Rathmullen Pier Foreshore Application](#)

In considering this matter, the Minister had regard to the following:

1. The application for a Foreshore Licence and the documentation appended thereto.
2. The Screening for Appropriate Assessment prepared by the Marine Institute.
3. All other relevant information submitted in relation to this application.

The Minister will make a determination as to whether or not the proposed project would adversely affect the integrity of a European site in accordance with Regulation 42(11) of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, and, in doing so, shall have regard to the matters in Regulation 42(12).

In this regard, in accordance with Regulation 42(13), any person may make a submission or observation to the Minister concerning the proposed project within 30 days of the date of this Notice. This Minister shall have regard to any submissions received during the public consultation.

A copy of the application and other relevant documentation are available for inspection for 30 days, between 28/09/2023 and 28/10/2023, free of charge at:

- Rathmullen Garda Station – Opening Hours: 10:00 – 13:00
- Milford Garda Station – Open 24 Hours.

The documentation and information is also available on the Department's website at:

[Rathmullen Pier Foreshore Application](#)

Members of the public who wish to make a submission or observation in writing concerning the proposed project may do so within 30 days of the date of this Notice to the Minister for Agriculture, Food and the Marine, Aquaculture and Foreshore Management Division, National Seafood Centre, Clogheen, Clonakilty, Co. Cork, P85 TX47 or [apc@agriculture.gov.ie](mailto:apc@agriculture.gov.ie). A valid submission must contain the name and address of the person making the submission.

Take notice that material to which the Minister shall have regard in making a determination will be published on the Department's website.

#### Review Procedure

A review procedure is available before the High Court whereby the substantive or procedural legality of the Minister's Screening for Appropriate Assessment determination of the Foreshore Application may be challenged. The review procedure is governed by Order 84 of the Rules of the Superior Courts, 1986 (SI 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 Court as amended by SI 691 of 2011. The time limit for such review commences from the Date of Publication of this Notice. Practical information on the review mechanism can be obtained from the Citizen's Information's website at [citizensinformation.ie](http://citizensinformation.ie)

**On this 28/09/2023 date of publication.**