



NOTICE OF DETERMINATION

The Minister for Housing, Planning and Local Government (“the Minister”) hereby gives notice that he has determined an application dated 21 December 2017 for consent under Section 3(3) of the Foreshore Act, 1933 made by EirGrid PLC (“the Applicant”) of The Oval, 160 Shelbourne Road, Ballsbridge, Dublin 4, D04 FW28 in respect of geotechnical and environmental marine survey works at Ballinwilling Strand, Redbarn Beach and Claycastle Beach, Co. Cork (Application Reference Number: FS 006811).

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 submissions received from prescribed bodies and the applicant’s responses;
- the submissions received during the public consultation and the applicant’s responses;
- the Licence Conditions to be attached to the Foreshore Licence;
- the nature of the proposal and its purpose;
- the appropriate assessment of the of the proposed development by the MLVC under domestic and EU law, including the Birds Directive and the Habitats Directive and its conclusions and recommendations in this regard;
- the screening for environmental impact assessment of the proposed works under domestic and EU law, including the EIA Directive, and its conclusions and recommendations in this regard;
- the MLVC assessment and recommendation including specific conditions;
- the advice of the Marine Environment and Foreshore Section of the Department of the Environment, Community and Local Government.

Having had regard to the foregoing, and in particular having regard to the Licence Conditions attached to the Foreshore Licence, and having agreed with the recommendation of the MLVC, the Minister is satisfied (i) that the proposed development on the foreshore would not have significant adverse impacts on human health and safety, nor on the marine

environment; (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 the Department of Housing, Planning and Local Government:

<http://www.housing.gov.ie/planning/foreshore/applications/eirgrid-plc-ballinwilling-claycastle-redbarn-beaches>

- 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;
- v. Information on the public participation process, including copies of all submissions received;
- vi. Submissions made by prescribed bodies;
- vii. Application for a Foreshore Licence together with supporting materials;

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

Marine Environment and Foreshore Section
Department of Housing, Planning and Local Government
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, PLANNING AND LOCAL GOVERNMENT

22 May 2018