



NOTICE OF DETERMINATION

The Minister for Housing, Planning, Community and Local Government (“the Minister”) hereby gives notice that he has determined an application dated 22 November 2012 for a Lease under Section 2(1) of the Foreshore Act, 1933 made by Dun Laoghaire Rathdown County Council (“the Applicant”) of County Hall, Marine Road, Dun Laoghaire, Co Dublin in respect of refurbishment of Dun Laoghaire Baths and associated works (Ref. No. FS005832).

DETERMINATION

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

MAIN REASONS AND CONSIDERATIONS

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

- the application for a Foreshore Lease 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 consent conditions to be attached to the Foreshore, if granted;
- the nature of the proposal and its purpose;
- the screening for appropriate assessment of the proposed development 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 Planning and Foreshore Section of the Department of Housing, Planning Community and Local Government.

Having had regard to the foregoing, and in particular having regard to the consent conditions attached to the Foreshore Lease, 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 Lease having regard to the nature of the proposal.

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

<http://www.housing.gov.ie/planning/foreshore/applications/works-dun-laoghaire-baths>

- i. Notice of Determination;
- ii. Approval of the Minister to Grant the Foreshore Lease;
- iii. Foreshore Lease as executed between the parties, including conditions attached to the determination (which form part of the Foreshore Lease);
- 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 Lease together with supporting materials;

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

Marine Planning and Foreshore Section
Department of Housing, Planning, Community and Local Government
Newtown Road
Wexford
Y35 AP90
Tel: 1890 20 20 21
Email: foreshore@environ.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, COMMUNITY AND LOCAL
GOVERNMENT

28 November 2016