An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
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 dated 1st of April 2021 for a Licence under Section 3 of the Foreshore Act, 1933 (as amended) made by North Irish Sea Array (NISA) Limited, Building 4200, Cork Airport Business Park, Co. Cork, T12 D23C ("the Applicant") in respect of site investigations necessary to establish the optimum location for, and design of, the export cable(s) to shore, and to establish the most appropriate landfall location(s) from the proposed North Irish Sea Array (NISA) offshore windfarm, located off the coasts of Dublin, Meath and Louth. (Application Reference Number FS007358)

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, 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:

- 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 public consultation and the applicant's responses;
- the consent conditions to be attached to the Foreshore Licence;
- the nature of the proposal and its purpose;
- the Screening for Appropriate Assessment and Stage 2 Appropriate Assessment reports of the proposed development, 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;

- the Environmental Determinations (AA Screening Stage 1 and AA Stage 2) for appropriate assessment of the proposed developments signed/determined by the Minister;

- the assessment of the proposed development by the MLVC, its conclusions and recommendations in this regard;

- the advice of 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 consent, 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 impacts on human health and safety, (ii) that the proposed development on the foreshore would not have a significant impact on the marine environment or the adjacent European Sites; 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/c7c0a-fs007358-statkraft-north-irish-sea-array-nisa-site-investigations-for-export-cable-route/

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;
v. Submissions made by members of the public and the applicant's responses to those submissions;
vi. Submissions made by prescribed bodies and the applicant's responses to those submissions;

vii. Application for a Foreshore Licence and Consent together with supporting materials.
viii. Annex IV Species Risk Assessment [RPS]
ix. Screening for Appropriate Assessment Report [RPS]
x. Screening for Appropriate Assessment Determination, signed by Minister;
xi. Environment Screening Stage Report
xii. Appropriate Assessment Report [RPS]
xiii. Marine Advisor Environmental Assessment and Determination Report
xiv. Appropriate Assessment Determination, signed by Minister
xv. Examination of EIA
xvi. Submission (Screening for AA Determination)
xvii. Submission (AA Determination)
xviii. Submission (FS007358 FS Licence Application)

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 commences from the Date of Publication of this

Notice of Determination. Practical information on the review mechanism can be obtained from the Citizens Information website at www.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
and
http://www.irishstatutebook.ie/2011/en/act/pub/0020/sec0021.html#sec21

DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND HERITAGE
20 September 2022