

Comhairle Contae
Fhine Gall
Fingal County
Council



PUBLIC NOTICE APPLICATION FOR A FORESHORE LEASE, LICENCE AND SECTION 10 CONSENT AND INVITATION FOR PUBLIC SUBMISSIONS OR OBSERVATIONS ON APPROPRIATE ASSESSMENT

In accordance with Section 19 of the Foreshore Act 1933 Fingal County Council has applied to the Minister of Housing, Local Government and Heritage for a Foreshore Lease under Section 2, Licence under Section 3 and consent under Section 10 of the Foreshore Act 1933, as amended, for the construction of a new walking and cycling greenway of approximately 6km in length, between Malahide Demesne and Newbridge Demesne, in the townlands of Malahide Demesne, Malahide, Kilcrea, Newbridge Demesne and Donabate, Fingal, County Dublin, to be known as the Broadmeadow Way.

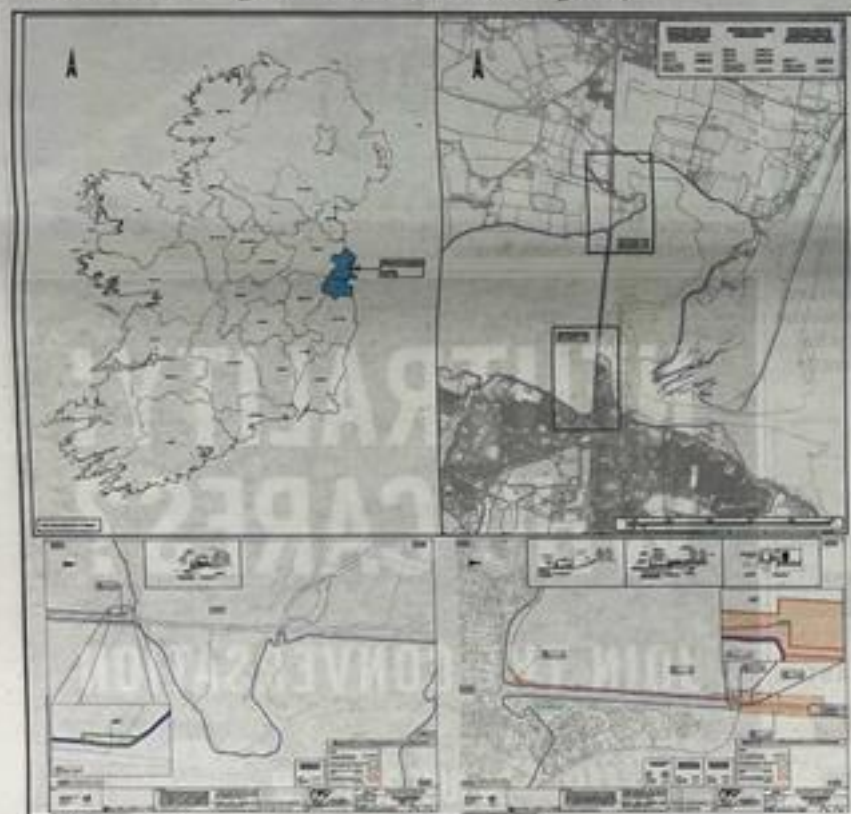
The Foreshore consent associated with this proposed development comprises of Section 2 Foreshore Lease on state owned lands, Section 10 Foreshore Lease on privately owned lands and Section 3 Foreshore Licence for temporary works space associated with the construction of the greenway.

Permanent works within the Foreshore lands (Section 2 and Section 10) comprise of the following:

- Works to facilitate a new greenway some 615 metres in length along the existing weir maintenance access track on the western embankment of the Dublin-Belfast railway causeway, extending north from Bisset's Strand into Malahide Estuary, to include new surfacing, fencing, boundary walls, local stone fill, route lighting and signage, and a viewing area
- Provision of a new 12-span pedestrian / cycleway bridge deck of approximately 180 metres in length on the existing piers located alongside the Dublin-Belfast railway bridge situated on the weir in Malahide Estuary.
- Works to facilitate a new greenway of approximately 1,000 metres in length along the shoulder of the western embankment of the Dublin-Belfast railway causeway, from the railway bridge on the weir in Malahide Estuary extending as far as the northern shoreline of Malahide Estuary at Kilcrea, to include new surfacing, fencing, boundary walls, local stone fill, route lighting and signage.

The Section 3 Licence for temporary works within the Foreshore lands is sought for a period of five years and comprises of the following:

- Short term reprofiling of the weir to accommodate positioning of the precast bridge units, in line with consented construction methodology and construction environmental management plan.
- Additional space on the Bisset's Strand shoreline for the temporary compound, in line with consented construction methodology and construction environmental management plan.



ID	LATITUDE (Deg Min Sec)	LONGITUDE (Deg Min Sec)	ID	LATITUDE (Deg Min Sec)	LONGITUDE (Deg Min Sec)
Area B Section 2	53° 28' 7.30"	-6° 9' 15.09"	Area C Section 3	53° 27' 9.34"	-6° 9' 24.64"
Area D Section 3	53° 27' 30.20"	-6° 9' 20.94"	Area E Section 3	53° 27' 30.72"	-6° 9' 19.34"
Area F Section 10	53° 27' 21.00"	-6° 9' 21.97"	Area G Section 2	53° 27' 27.99"	-6° 9' 21.29"

An Bord Pleanála in its decision dated 19/05/2020 (APB Case Ref: 304624), granted approval to Fingal County Council under Section 226 of the Planning and Development Act 2000, as amended, to the Broadmeadow Way Project, in accordance with plans and particulars, including an Environmental Impact Assessment Report (EIA) and a Natura Impact Statement (NIS). As this application was submitted to An Bord Pleanála for approval under Section 226 of the Planning and Development Act 2000 the Board and only the Board are responsible for the Environmental Impact Assessment Process for the development application. As part of the development is located on foreshore the appropriate consent under the Foreshore Act 1933 is also required. As set out in Section 227(8) (b) of the Planning and Development Act, 2000 it shall not be necessary for the applicant to submit an EIA in connection with its application for foreshore consent nor is it necessary for the Minister (with functional responsibility for Foreshore) to complete the EIA Process or consider the EIA. The Department and Minister retain obligations under the Birds and Habitats Directives, the Birds and Natural Habitats Regulations.)

The Minister will confine his consideration of this application to Appropriate Assessment, public interest aspects of issues such as public access, protection of beach material and the financial terms that may attach to a Lease, Licence and Consent.

The Minister for Housing, Local Government and Heritage is responsible for making a decision on the application and the Minister may either grant, approve or consent to the application with or without covenants, conditions or agreements, where applicable, or refuse the application.

PUBLIC CONSULTATION - SECTION 19 OF THE FORESHORE ACT

Notice is hereby given pursuant to Section 19 of the Foreshore Act, 1933, as amended, that Fingal County Council has applied to the Minister of Housing, Local Government and Heritage for Lease, Licence and Consent under the Foreshore Act 1933, as amended, for the purposes of the above project. In this regard, in accordance with Section 19, public submissions are invited on the proposed plan and project.

INVITATION FOR PUBLIC SUBMISSIONS OR OBSERVATIONS ON APPROPRIATE ASSESSMENT

Notice is hereby given pursuant to Regulation 42(13) of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, of an application for a foreshore lease, licence and consent in relation to the above project. The Minister for Housing Local Government and Heritage is responsible for making a decision on the application and the Minister may either grant, approve or consent to the application with or without covenants, conditions or agreements, where applicable, or refuse the application.

SCREENING FOR APPROPRIATE ASSESSMENT DETERMINATION

The Minister has determined, in accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011, that an Appropriate Assessment is required in respect of the proposed plan or project.

Notice is hereby given in accordance with Regulation 42 of S.I. No. 477/2011 - European Communities (Birds and Natural Habitats) Regulations 2011, as amended, that the Minister for Housing, Local Government and Heritage, in considering an application for a foreshore lease, licence and consent under the Foreshore Act 1933 (as amended), and in particular whether or not the plan or 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: <https://www.gov.ie/en/foreshore-notice/d6227-fs006909-broadmeadow-greenway/>

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

1. The application for a foreshore lease, licence and consent and the documentation appended thereto.
2. The Screening for Appropriate Assessment prepared by the Department's Marine Advisor
3. The assessment and recommendation of the Department's Marine Advisor.
4. All other relevant information submitted in relation to this application.

The Minister will make a determination as to whether or not the proposed plan or 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 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. The Minister shall have regard to any submissions or observations received during the public consultation.

A copy of the application, map of the proposed project, location map coordinates, the determination that an Appropriate Assessment is required in respect of the project, the Natura Impact Statement, and the other information and documentation relevant to the application, are available for inspection for 30 calendar days, between 14th June 2023 and 14th July 2023, free of charge at:

- Malahide Garda Station, 1 James's Terrace, Malahide, Co. Dublin, K36 NH50
Opening Hours: Monday to Sunday 7:00am to 9:00pm
- Donabate/Portrane Public Library, Community & Leisure Centre, Donabate, Ballalease North, Donabate, Co. Dublin
Opening Hours:
Monday 1:15pm to 8pm
Tuesday 9:45am to 1pm, 1:45pm to 5pm
Wednesday 1:15pm to 8pm
Thursday to Saturday 9:45am to 1pm, 1:45pm to 5pm
Sunday Closed
- Malahide Library, Main St, Malahide, Co. Dublin
Opening Hours:
Monday to Thursday 9:45am to 8pm
Friday to Saturday 9:45am to 1pm, 1:45pm to 5pm
Sunday Closed
- Fingal County Council, County Hall, Main Street, Swords, Co Dublin, K67 X8Y2
Opening Hours:
Monday to Thursday 9am to 5pm
Friday 9am to 4.30pm
Saturday Closed
Sunday Closed

This documentation and information is also available on the Department's website, at: <https://www.gov.ie/en/foreshore-notice/d6227-fs006909-broadmeadow-greenway/>

Members of the public who wish to make a submission or observation in writing concerning the proposed project may do so between 14th June 2023 and 14th July 2023 (quoting ref: FS006909) to the Minister for Housing, Local Government and Heritage, Foreshore Section, Department of Housing, Local Government and Heritage, Newtown Road, Wexford, Co. Wexford or foreshore@housing.gov.ie. The closing date for submissions is close of business (17.30) on 14th July 2023.

Take notice that material to which the Minister shall have regard in making the Appropriate Assessment determination will be published on the Department's website. In this regard, the Department wishes to draw attention to its policy on defamatory material that may be contained in submissions it receives, which may be found at: <http://www.housing.gov.ie/planning/foreshore/public-participation-foreshore-consent-process>

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 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>

14/06/2023