

FÓGRA FOIRCEANTA

Tugann an tAire Tithíochta, Pleanála agus Rialtais Áitiúil ("an tAire") fógra, leis seo, go ndearna sé cinntiúchán ar iarratas dar dáta an 12 Feabhra 2016 ar Cheadúnas Urthrá faoi Alt 2 den Acht Imeachtaí Trágha, 1933 ar Fhoras na Mara chun an tsaoráid tástála fuinnimh in-athnuaite ar 1/4 scála, bonnagar láithreán tástála agus gléasanna sonraíche a shuiteáil ag Láithreán Tástála Fuinnimh Mhuiri agus In-Athnuaite Chuan na Gallimhe a bheartaítear ag an Spidéal, Contae na Gallimhe.

CINNTIÚCHÁN

Rinne an tAire cinntiúchán de bhun fhorálacha an Acht Imeachtaí Trágha, 1933 chun Léas Urthrá a dhéanú don iarratasóir, le héifeacht ón 15 Nollaig 2017, i dtaca leis an bhforbairt a ndéantar cur síos uirthi san iarratas, faoi réir na gcoinníollacha a leanann amach sa Léas Urthrá.

NA PRÍOMHCHÚISEANNA AGUS NA PRÍOMHBHREITHNIÚCHÁIN

Bhí aird ag an Aire ar na ceisteanna seo a leanas nuair a bhí cinntiúchán á dhéanamh ar an iarratas ar Léas Urthrá:

- Cineál agus scála na forbairte, faoi mar a ndéantar cur síos air san iarratas agus na cailpéisí tacaíochta a sholáthair Foras na Mara,
- na haighneachtaí a fuairas ó na comhlachtaí forordaithe,
- an comhlíúchán poiblí faoinar tugadh,
- na haighneachtaí poiblí a fuairas,
- an tástáil i leith measúnú ar an tionchar ar an gcomhlachtaí,
- an tástáil i leith measúnú oiriúnachta,
- tuarascáil agus moltaí an Choiste um Grinnfhiosrúchán Ceadúnas Muiri (an MLVC),
- na coinníollacha atá le ceangal leis an toiliú urthrá,
- forálacha an Acht Imeachtaí Trágha 1933 – 2014, agus
- Beartas an Rialtais a thacaíonn le taighde agus forbairt san Earnáil Fuinneamh Aigéin.

Agus aird ar an méid thuas, agus aird ar leith ar na coinníollacha léasa a bhaineann leis an Léas Urthrá, agus i ndiaidh comhaontú a dhéanamh ar mhodh an MLVC, tá an tAire sásta (i) nach n-imroodh an fhorbairt a bheartaítear ar an urthrá drochthionchar suntasach ar shláinte agus sábháilteacht daoine, ná ar an timpeallacht mhuirí; (ii) nach n-imroodh an fhorbairt a bheartaítear ar an urthrá drochthionchar ar shláinte aon láithreán Eorpacha; agus (iii) go bhfuil sé ar mháilhe le leas an phobail an Léas Urthrá a dhéanú agus aird ar chuspóir na n-oirbreacha urthrá.

Tá an faisnéis seo a leanas ar fáil ar láithreán gréasáin na Roinne Tithíochta, Pleanála agus Rialtais Áitiúil ag:

Nasc le láithreán gréasáin na Roinne: <http://www.housing.gov.ie/pleanail/urthra/iarratas/marine-institute-spiddal>

- i. Fógra Cinntiúcháin;
- ii. Faomhadh an Aire chun Léas Urthrá a Dhéanú;
- iii. Léas Urthrá faoi mar a fhorghníomhaítear é idir na páirtithe, na coinníollacha a bhaineann leis an gcinntiúchán ina measc (a chruaíonn cuid den Léas Urthrá);
- iv. Tuarascáil an MLVC;
- v. Faisnéis ar an bpróiseas rannpháirtíochta poiblí, cóipeanna de na haighneachtaí go léir a fuairas ina measc;
- vi. Aighneachtaí a rinne comhlachtaí forordaithe;
- vii. Tuarascáil Scagtha i leith Measúnú ar an Tionchar ar an gComhlachtaí;
- viii. Tuarascáil Scagtha Tástála i leith Measúnú Oiriúnachta;
- ix. Iarratas Léas Urthrá anuas ar chailpéisí tacaíochta a sholáthair Foras na Mara.

Is féidir cigireacht saor in aisce a dhéanamh ar an ábhar seo, chomh maith, ag an oifig seo a leanas den Roinn:

An Rannóg Pleanála Muiri agus Urthrá, An Roinn Tithíochta, Pleanála agus Rialtais Áitiúil, Bóthar an Bhaile Nua, Loch Garman, Y35 AP90.

Guthán: 1890 20 20 21, Ríomhphost: foreshore@housing.gov.ie

NÓS IMEACHTA ATHBHREITHNITHE

Tá nós imeachta athbhreithnithe ar fáil os comhair na hArd-Chúirte Inar féidir agóid a dhéanamh in aghaidh

dhlíúcháin shubstainteach nó nós imeachta cinntiúcháin an Aire. Rialaíonn Ordú 84 de Rialacha na nUaschúirteanna, 1986 (I.R. 15 de 1986) an nós imeachta athbhreithnithe. Caithfidh duine ar mian leis/téabhairt faoin nós imeachta athbhreithnithe (i) ráiteas foras; agus (ii) míionscríbhinn deimhínithe a chomhúil i Lár-Oifig na hArd-Chúirte. Is gá, ansin, iarratas a dhéanamh ar chead chun iarratas a dhéanamh ar an Ard-Chúirt.

Déantar iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach laistigh de thrí mí ón dáta a tháinig na forais a bhí leis an iarratas chun solais faoi Alt 21(1) d'Ordú 84 de Rialacha na nUaschúirteanna arna leasú ag I.R. Uimh. 691 de 2011. Cuirtear tús leis an teorainn ama don athbhreithniú sin ó Dháta Foilsithe an Fhógra Cinntiúcháin seo. Is féidir faisnéis breise ar an meicníocht athbhreithnithe a fháil ó láithreán gréasáin an Bhoird um Faisnéis do Shaoirnáigh: www.citizensinformation.ie

Baineann Alt 50B den Acht um Pleanáil agus Forbairt, 2000 arna leasú le himeachtaí Athbhreithnithe Breithiúnacha, i measc rudaí eile. Pléitear ceist na geostas faoi Fho-Alt (2), (2A), (3) agus (4), Rialaíonn Ordú 99 de Rialacha na nUaschúirteanna, 1986 (I.R. 15 de 1986) an nós imeachta athbhreithnithe. D'ainneoin aon ruda a chuimsítear in Ordú 99 de Rialacha na nUaschúirteanna, 1986 (I.R. 15 de 1986) agus faoi réir fho-alt (2A), (3) agus (4), in imeachtaí lena mbaineann an t-Alt seo, iocfaidh gach páirtí leis na himeachtaí (aon pháirtí fógra ina measc) as a geostas féin. Tá téacs iomlán Alt 50B ar fáil ag: <http://www.irishstatutebook.ie/2010/en/act/pub/0030/sec0033.html#sec33>

An Roinn Tithíochta, Pleanála agus Rialtais Áitiúil
Dar dáta an 15 lá seo de Nollaig 2017

NOTICE OF DETERMINATION

The Minister for Housing, Planning and Local Government ("the Minister") hereby gives notice that he has determined an application dated 12 February 2016 for a Foreshore Lease under Section 2 of the Foreshore Act, 1933 to the Marine Institute for the installation of the 1/4 scale renewable energy test facility, test site infrastructure and specified devices at the proposed Galway Bay Marine and Renewable Energy Test Site, at Spiddal, Co. Galway.

DETERMINATION

The Minister has determined pursuant to the provisions of the Foreshore Act, 1933 to grant a Foreshore Lease to the Applicant, with effect from 15 December 2017, 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 nature and scale of the development as described in the application and the supporting documents supplied by the Marine Institute,
- the submissions received from the prescribed bodies,
- the public consultation undertaken,
- the public submissions received,
- the EIA screening performed,
- the AA screening performed,
- the report and recommendations of the MLVC,
- the conditions to be attached to the foreshore consent,
- the provisions of the Foreshore Acts 1933 – 2014, and
- Government policy supporting research and development in the Ocean Energy sector.

Having had regard to the foregoing, and in particular having regard to the lease 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 purpose of the foreshore works.

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

Department website link: <http://www.housing.gov.ie/planning/foreshore/applications/marine-institute-spiddal>

- x. Notice of Determination;
- xi. Approval of the Minister to Grant the Foreshore Lease;
- xii. Foreshore Lease as executed between the parties, including conditions attached to the determination (which form part of the Foreshore Lease);
- xiii. MLVC Report;
- xiv. Information on the public participation process, including copies of all submissions received;
- xv. Submissions made by prescribed bodies;
- xvi. EIA Screening Report;
- xvii. Appropriate Assessment Screening Report;
- xviii. Application for a Foreshore Lease together with supporting documents supplied by the Marine Institute.

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 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. Further information on the review mechanism can be obtained on the Citizens Information Board website: 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>

Department of Housing, Planning and Local Government
Dated this 15 day of December 2017