



19 December 2023

YOUR REF.:

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OUR REF.: LHL/2023/05311

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Re: 1. Charles Featherstone, Barry Mc Caulay, Brian Dempsey and ORS -v- Minister for Housing, Local Government and Heritage and Ors; Record No. 2023/944JR

2. Gerry Copeland and Ors -v-The Minister for Housing, Local Government and Heritage and Ors; Record No. 2023/946 JR

Dear Sirs,

We refer to the above entitled Judicial Review proceedings which have been issued by your respective clients (together, the “**Proceedings**”), the previous correspondence exchanged between us in relation to a potential mediation (the “**Proposed Mediation**”), and the email dated 6 December 2023 from Mr. Cullen (the “**E-Mail**”). We understand that e-mail to reflect the views of the applicants in both sets of Proceedings.

In the E-Mail, you have set out the potential parameters of the Proposed Mediation, based on your clients’ submissions to the foreshore licence consultation process. For the avoidance of doubt, the Minister has considered those submissions in the context of granting the licence now under challenge.

On the basis of the E-Mail, it is quite clear that the Proposed Mediation is not a “mediation” within the meaning of section 2(1) of the Mediation Act 2017, or within the meaning of the Rules of the Superior Courts, in circumstances where it is not directed solely to resolving the dispute between

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the parties (i.e. the Proceedings), but rather relates more generally to the interaction between different users of the foreshore, and may potentially involve individuals and entities other than those before the Court in these Proceedings. In the circumstances, the State parties will have to decline participation in the Proposed Mediation on the basis of the parameters outlined in the E-Mail. The Minister remains open to a mediation offer with a refined scope that addresses solely the issues arising in the Proceedings, insofar as your clients wish to propose same.

We trust the position outlined above is noted.

Yours faithfully,

**Sent my email and therefore bears no signature*

MARIA BROWNE

CHIEF STATE SOLICITOR