



For Office Use

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Application date: \_\_\_\_\_

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**APPLICATION FOR A LEASE/LICENCE/CONSENT UNDER THE FORESHORE ACT  
1933 (AS AMENDED)**

- Applications for **Offshore renewable energy (ORE)** projects should use an ORE specific form.
- Please complete the form electronically. Type details in the boxes provided, space will expand as you type.
- The enclosures checklist should also be completed
- Tá an leagan Gaeilge den fhoirm seo ar fáil ar iarratas.

**IT IS IMPORTANT TO NOTE THAT A CHANGE IN APPLICANT NAME WILL REQUIRE A NEW APPLICATION.**

**Applicant Address/Contact Details:**

**Full Name of Applicant (not Agent):** Fingal County Council

**Company/Organisation:** Fingal County Council

**Address:** County Hall, Main St, Swords, Co Dublin

**Eircode:** K67 X8Y2

**Phone No:** 01 8905000

**E-mail address:** gilbert.power@fingal.ie

**Agent (if any) Address/Contact Details:**

**Person/Agent acting on behalf of the Applicant:** Jerome O'Brien

**Company:** J B Barry and Partners Limited

**Address:** Classon House, Dundrum Business Park, Dundrum Road, Dublin 14

**Eircode:** D14 X9F9

**Phone No:** 01 4851400

**E-mail address:** jobrien@jbbarry.ie



**Applicant's Legal Advisor:**

<b>Name:</b> Mary Garrick, Law Department, Fingal County Council
<b>Address:</b> Blanchardstown Town Centre, Blanchardstown, Dublin 15
<b>Eircode:</b> D15 RY73
<b>Phone No:</b> 01 8905000
<b>E-mail address:</b> mary.garrick@fingal.ie

**Part 1: Proposal Details (Attach additional documents as required)**

<b>1.1</b>	<p><b>Description of proposed works/activity.</b></p> <p>Construction of a storm water outfall to facilitate a residential development and public infrastructure on the Portmarnock South Local Area Plan lands, Portmarnock, Co Dublin.</p>																
<b>1.2</b>	<p><b>Describe the nature and scale of any structure to be erected on the foreshore. Is the structure proposed to be temporary or permanent?</b></p> <p>Permanent structure consisting of a concrete base and wing walls. Area below the High Water Mark is 14m2.</p>																
<b>1.3</b>	<p><b>Indicative timing of the works/activity: (i) Start date (ii) Duration (iii) Any other information relevant to timing.</b></p> <p>Estimated start date is September 2018. Approximately 6 weeks to complete the work.</p>																
<b>1.4</b>	<p><b>Primary usage for proposed development (please tick)</b></p> <table border="1"> <tr> <td><b>Use</b></td> <td></td> </tr> <tr> <td><b>Industrial</b></td> <td></td> </tr> <tr> <td><b>Commercial</b></td> <td></td> </tr> <tr> <td><b>Within Fishery Harbour Centre</b></td> <td></td> </tr> <tr> <td><b>Sea Fisheries</b></td> <td></td> </tr> <tr> <td><b>Local Authority</b></td> <td><b>x</b></td> </tr> <tr> <td><b>Community/Co Op scheme</b></td> <td></td> </tr> <tr> <td><b>Other(specify)</b></td> <td></td> </tr> </table>	<b>Use</b>		<b>Industrial</b>		<b>Commercial</b>		<b>Within Fishery Harbour Centre</b>		<b>Sea Fisheries</b>		<b>Local Authority</b>	<b>x</b>	<b>Community/Co Op scheme</b>		<b>Other(specify)</b>	
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<b>Sea Fisheries</b>																	
<b>Local Authority</b>	<b>x</b>																
<b>Community/Co Op scheme</b>																	
<b>Other(specify)</b>																	



1.5	<p><b>Do the proposed works provide for public use, commercial use, restricted use or strictly private use? Provide Details</b></p> <p>Works provide for private (and social) housing and public infrastructure.</p>
1.6	<p><b>Might the proposed works restrict public use/enjoyment of the foreshore? Provide details.</b></p> <p>No.</p>
1.7	<p><b>Has the applicant held or does the applicant hold any previous Foreshore Licences, Leases or applications over the area sought or over any other area including pending applications? (Give details including Department's file reference number(s)).</b></p> <p>Yes. In addition, a similar application was made by a previous applicant in March 2006. File reference is MS51-4-63.</p>
1.8	<p><b>Status of planning permission application: Pending/granted/not required.</b></p> <p><b>Consent Authority:</b> An Bord Pleanala <b>Reference Number:</b> ABP-300514-17</p> <p><b>(Please provide copies of consents granted)</b></p> <p>A full planning application, including the provision of a storm water outfall, was made to An Bord Pleanala on 20<sup>th</sup> December 2017 under the Strategic Housing Development regulations by St Marnocks II DAC and Clear Real Estate Investments plc. An Bord Pleanala granted planning permission for the development subject to conditions on the 23<sup>rd</sup> of March 2018.</p>
1.9	<p><b>Are any other consents required for this proposal? Please detail.</b></p> <p>No.</p> <p><b>Consent type</b> <b>Consent Authority:</b> <b>Reference Number:</b> <b>Status of application:</b></p> <p><b>(Please provide copies of consents granted)</b></p>
1.10	<p><b>Employment Implications (if any).</b></p> <p>None with exception of the construction activities.</p>



<b>1.11</b>	<b>Capital cost of proposed works (€ - Euro)</b> circa €75,000
<b>1.12</b>	<p><b>Do the proposed works involve the draw down of European Union or State funding?</b>  <b>If "Yes" give details, including any time restrictions, etc. applying</b></p> <p>No.</p>

**Part 2: Proposed Site. (Attach additional documents as required)**

<b>2.1</b>	<b>County:</b> Dublin
<b>2.2</b>	<p><b>Location name and nearest townland name:</b></p> <p>Baldoyle Estuary, Portmarnock, Co Dublin. Maynetown townland.</p>
<b>2.3</b>	<p><b>Geographic co-ordinates of the area under application in degrees minutes and seconds WGS84 for offshore developments and where the area can also be identified on the Ordnance Survey map and /or is connected to the seashore/mainland , specify Ordnance Survey map no and Irish National Grid co-ordinates</b></p> <p>OS Map 3065-15  ITM Coordinates E723553 N742383</p>
<b>2.4</b>	<p><b>Please indicate the size of the Foreshore area (Ha<sup>2</sup>) or (M2) or (KM2)</b></p> <p>14m2</p>
<b>2.5</b>	<b>If offshore please indicate distance from shore (Km):</b> N/A
<b>2.6</b>	<p><b>Is any of the foreshore in the proposed site in private ownership? If yes please provide documentary evidence of same (e.g. folio)</b></p> <p>Yes, the subject foreshore is in the ownership of Helsingor Limited (in Receivership) – Folio 132779F. A letter of consent to the application from the Receiver, Tom O’Brien of Mazars, with accompanying map is included in the application. The Receiver is in the process of transferring ownership to Fingal County Council.</p>
<b>2.7</b>	<b>Any other site details considered relevant:</b> No.



**Part 3. Maps and Drawings, Please refer to Guidance on map and drawing requirements.**

<p><b>3.1</b></p>	<p><b>Site location map attached? Please include reference no(s).</b></p> <p>Yes. Y17205-C-205 Rev.D.</p>
<p><b>3.2</b></p>	<p><b>Foreshore Lease/Licence map attached? Please include reference no(s).</b></p> <p>Yes. Y17205-C-402 Rev.A.</p>
<p><b>3.3</b></p>	<p><b>Drawings of structures to be used and or layout (if required) attached? Please detail and include reference no(s).</b></p> <p>Yes. Y17205-C-204 Rev.J.</p>
<p><b>3.4</b></p>	<p><b>Admiralty Chart attached?</b></p> <p>Yes. Y17205-C-401 Rev.A.</p>
<p><b>3.5</b></p>	<p><b>Other maps/drawings attached ?– please detail and include reference numbers</b></p> <p>Yes</p> <p>Y17205-C-201 Rev.G: Proposed Storm Sewers Layout – Phase 1B.  Y17205-C-202 Rev.G: Proposed Regional Wetland – Plan &amp; Sections.  Y17205-C-209 Rev.A: Storm Sewer Network – Portmarnock South LAP Lands.</p>



**Part 4: Pre- application consultations**

<p><b>4.1</b></p>	<p><b>Describe briefly any consultations undertaken with the following bodies:</b></p> <ul style="list-style-type: none"> <li>• <b>National Parks &amp; Wildlife Service (NPWS) of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs</b></li> <li>• <b>National Monuments Service (NMS) of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs</b></li> <li>• <b>Inland Fisheries Ireland</b></li> <li>• <b>Sea Fisheries Protection Authority</b></li> <li>• <b>Marine Institute</b></li> <li>• <b>Marine Survey Office</b></li> </ul> <p><b>Please also provide copies of correspondence.</b></p> <p>NPWS consulted during preparation of the NIS which accompanies this application.  NMS consulted during preparation of the Archaeological Assessment which accompanies this application.  All other bodies noted have been written to, but no replies received.</p>
<p><b>4.2</b></p>	<p><b>Describe briefly any consultations undertaken with other relevant authorities (e.g. Local Authority, Port/Harbour authority etc) or State Agencies.</b></p> <p>Consultations have taken place with An Bord Pleanala.</p>
<p><b>4.3</b></p>	<p><b>Describe any consultations undertaken to date with other foreshore users.</b></p> <p>None.</p>
<p><b>4.4</b></p>	<p><b>Describe any likely interactions with activities of the public or other foreshore users during the construction and operational phases of the works/activities (e.g. fishing, aquaculture, sailing, and surfing swimming, walking). Describe any measures proposed to minimise inconvenience to other users.</b></p> <p>No interactions envisaged.</p>
<p><b>4.5</b></p>	<p><b>Have adjacent land owners, whose properties may be affected by these works been consulted? Please provide details/permissions as appropriate.</b></p> <p>Land is in the ownership of Helsingor Limited (in Receivership). A copy of a letter of consent from the Receiver, Tom O'Brien of Mazars, accompanies this application. No other consultations undertaken as works will not affect adjacent owners.</p>



**Part 5: Environmental Considerations**  
**(your consultations with National Parks and Wildlife Service and National Monuments Service may inform your answers. Attach additional reports as required and mark under the R column)**

[www.epa.ie/downloads/advice/ea/guidelines/](http://www.epa.ie/downloads/advice/ea/guidelines/)

[www.environ.ie/en/DevelopmentHousing/PlanningDevelopment/EnvironmentalAssessment/](http://www.environ.ie/en/DevelopmentHousing/PlanningDevelopment/EnvironmentalAssessment/)

<http://www.npws.ie/protectedsites/appropriateassessment/>

<http://webgis.npws.ie/npwsviewer/>

	<b>Environmental legislative requirements</b>	<b>Yes</b>	<b>No</b>	<b>R</b>
<b>5.1</b>	<b>Is an Environmental Impact Statement required for this proposal?</b>		<b>x</b>	



**5.2****Is a Natura Impact Statement required for this proposal?****x**

A Natura Impact Statement, which accompanies this application was prepared for a planning application in connection with the development of 150 residential units and associated infrastructure, a regional wetland and the stormwater outfall to Baldoyle Bay (Portmarnock South Phase 1B). The NIS also took into account the future build out of the entire Portmarnock South LAP lands to consist of c 1200 residential units. The screening process concluded that it is possible to rule out potential significant adverse effects arising out of the development on the following Natura 2000 sites (European sites):

- Malahide Estuary SAC;
- North Dublin Bay SAC;
- Rockabill to Dalkey Island SAC;
- Ireland's Eye SAC and SPA;
- Howth Head SAC and SPA;
- South Dublin Bay;
- Rogerstown Estuary and
- Lambay Island SAC and SPA;
- South Dublin Bay and River Tolka Estuary SPA;
- Rogerstown Estuary SPA;
- Dalkey Islands SPA.

However, it was not possible to rule out potential significant adverse effects on the following Natura 2000 sites at Screening:

- Baldoyle Bay SAC;
- Baldoyle Bay SPA;
- North Bull Island SPA;
- Malahide Estuary SPA.

The NIS therefore considered the potential impacts of the proposal on the integrity of the relevant Natura 2000 sites.

Potential effects on the four named Natura 2000 sites were appraised in the NIS. The NIS outlined the appropriate mitigation measures required to negate the potential impacts identified and concluded that once these mitigation measures are implemented there will be no residual impact on any Natura 2000 site.

The NIS concluded on the best scientific evidence that it can be clearly demonstrated that no elements of the project will result in any impact on the integrity or Qualifying Interests/Special Conservation Interests of any relevant Natura 2000 site, either on their own or in-combination with other plans or projects, in light of their conservation objectives.

It is considered that the NIS provides sufficient relevant information to allow the Competent Authority (An Bord Pleanála) to carry out an AA Screening, and if necessary an Appropriate Assessment, and to reach a determination that the proposed development will not affect the integrity of any of the relevant Natura 2000 sites under Article 6 of the Habitats Directive (92/43/EEC) in light of their conservation objectives.



<p><b>5.3</b></p>	<p><b>Is the area within or adjacent to a NHA, pNHA, SAC, SPA, or National Park? Specify site names and code(s).</b></p> <p>Full details of the locations of any and all designated sites are provided in the NIS.</p> <p>The relevant sites, as appraised in the NIS are:</p> <ul style="list-style-type: none"> <li>• Baldoyle Bay SAC, SPA and pNHA;</li> <li>• North Bull Island SPA;</li> <li>• Malahide Estuary SPA;</li> <li>• Sluice River Marsh pNHA.</li> </ul>	<p>x</p>		
<p><b>5.4</b></p>	<p><b>Describe any other projects or plans for the area, anticipated or developed, that in combination with this proposal, may have a significant effect on a Natura 2000 site: Please list with planning reference numbers (where available).</b></p> <p>Full details of the locations of other plans and projects that, in combination with the proposed development, may have a significant effect on a Natura 2000 site are provided in the NIS.</p> <p>The plans and projects appraised are</p> <ul style="list-style-type: none"> <li>• Portmarnock South Local Area Plan, 2013 (the proposed development, including the regional wetland (LAP Objective SW7) are part of the objectives of the LAP);</li> <li>• A proposed foul water pumping station (LAP Objective WW1);</li> <li>• Baldoyle Stapolin Local Area Plan, 2013;</li> <li>• Baldoyle to Portmarnock Pedestrian and Cyclist Scheme.</li> </ul>			



	<b>Environmental Considerations</b>	<b>Yes</b>	<b>No</b>	<b>R</b>
5.5	<p><b>Will the proposal have any potential environmental impacts? If yes, please describe</b></p> <p>All potential environmental impacts have been fully considered, and details are provided in the NIS.</p> <p>Potential impacts appraised, both in Natura 2000 sites and more generally, are as follows:</p> <ul style="list-style-type: none"> <li>• Potential impacts caused during construction; by dust and other emissions, noise, vibration and human activities as well as impacts on water quality;</li> <li>• Potential impacts caused during operation on habitat area; habitat distribution, physical structure, vegetation structure and vegetation composition, due to scouring, erosion, pollution, sedimentation, spread of invasive species and loss of or damage to Qualifying Interest habitat (in the case of SACs) and Special Conservation Interests (in the case of SPAs), including loss of or disturbance to feeding habitat for birds.</li> </ul>	x		



**5.6**

**Are you proposing any measures to mitigate the potential environmental impacts? If yes, please describe**

All potential environmental mitigation measures have been fully considered, and details are provided in the NIS.

All construction work and operational management will comply with legislative requirements and best practice, as well as Portmarnock South Local Area Plan.

The measures prescribed in Objective GI 12 of the Portmarnock South LAP 2013 (i.e. agreed habitat protection measures) have already been implemented as part of the Portmarnock Phase 1A development and are subject to ongoing monitoring and management. These measures seek to prevent any changes in bird populations due to any reduction in available feeding habitat or disturbance. In particular the provision of the new dedicated grassland areas in quiet zone lands that have been designed to provide feeding habitat for the birds of Baldoyle Bay SPA will avoid any significant impacts on feeding habitats and disturbance to birds during roosting or feeding.

In addition, potential impacts on habitat quality within Baldoyle Bay SPA due to changes to water quality and water flows will be avoided by appropriately designed construction and water management measures, as set out in Section 4.4 of the NIS, the Water Quality Report (Appendix 4 to the NIS) and the Construction Management Plan (Appendix 5 to the NIS).

Together, these measures will ensure that the attributes and their respective targets defined as part of the conservation objectives for the Natura 2000 sites, as well as environmental receptors more generally, will be not be impacted upon by the proposed development.



5.7	<p><b>Are there public health/safety implications arising from the proposed works? (e.g. effluent disposal, removal of derelict or dangerous structures etc.) If yes, please describe</b></p> <p>All construction work and operational management will be carried out in accordance with relevant health, safety and environmental regulations. Risk assessments will be carried out in advance of all works and will be detailed in the method statements prepared.</p> <p>Once operational, the proposed project will enable the sustainable development of the objectives of Portmarnock South LAP (including the delivery of up to 1200 residential units) to proceed.</p>	x		
5.8	<p><b>Will the works involve the storage and/or disposal of waste? If "Yes" please give details of the type of waste and the proposed method of storage and/or disposal (including location)</b></p> <p>All waste generated during the works will be disposed of in accordance with all relevant waste management legislation.</p> <p>The working methodology as described in the Construction Management Plan will ensure that there will be no residual impacts arising.</p>	x		
5.9	<p><b>Any other Environmental Considerations? If yes, please specify.</b></p>		x	

	<b>Built Heritage Considerations</b>	<b>Yes</b>	<b>No</b>	<b>R</b>
5.10	<p><b>Does the area contain an archaeological site or feature? If yes, please specify.</b></p> <p>The remains of a Tide Mill (RMP DU015-015) is recorded 100m north east of the proposed works. The structure is also recorded in the Fingal Coastal Architectural Heritage Project as Tide Mill (site of) FCAS Ref. No. 46. The site may be considered for future listing in the Record of Protected Structures.</p>	x		



5.11	<p><b>Does the area contain or adjoin a listed archaeological site or monument? If yes, please specify.</b></p> <p>The archaeological record lists the Tide Mill as the following elements – the remains of the mill (footing of the mill building wall), the sluice gate, 19<sup>th</sup> century mill race and fragmentary remains of the walls revetting the mill pond and inlet. There will be no impacts to the mill, mill race and sluice gate as a result of the proposed works.</p>	x		
5.12	<p><b>Will the proposal have any potential impacts on the archaeological integrity of the site? If yes please describe</b></p>		x	
5.13	<p><b>Are you proposing any measures to mitigate potential archaeological impacts? If yes, please describe?</b></p> <p>To date, an archaeological visual inspection and photographic record has taken place along with an examination of historic cartographic maps and background history of the area in order to inform the assessment (refer Archaeological Assessment accompanying this application). Proposed mitigation measures include that prior to the commencement of works, all excavation/exploratory work within the area will be archaeologically supervised or investigated as deemed necessary by the National Monuments Service. If any features are revealed, it is proposed to record them as required by excavation, carry out a photographic and scaled survey and prepare a written description prior to removal.</p> <p>It is proposed that investigation/supervision works will take place in a coordinated manner with other disciplines in order to minimise disturbance and disruption to Baldoyle Estuary.</p>	x		

**Part 6: Navigational Safety Considerations. (Your consultations with relevant stakeholders may inform your answers. Attach additional documents as required and mark under the R column)**

	<b>Navigational Safety Considerations.</b>	<b>Yes</b>	<b>No</b>	<b>R</b>
6.1	<p><b>Are there public navigational safety implications arising from the proposed works?</b></p>		x	



<b>6.2</b>	<b>What marine activity is there in the area?</b> Minimal marine activity.			
<b>6.3</b>	<b>How will the marine activity be affected by the proposed works?</b> Negligible effect.			
<b>6.4</b>	<b>What mitigating measures will be put in place?</b> None required.			
<b>6.5</b>	<b>How will the proposed works affect Marine Navigation in the future?</b> Negligible effect.			

**Part 7: Fishing/Aquaculture considerations (your consultations with IFI, SFPA, DAFM may inform your answers. Attach additional documents as required and mark under the R column)**

	<b>Fishing/Aquaculture considerations</b>	<b>Yes</b>	<b>No</b>	<b>R</b>
<b>7.1</b>	<b>Is the proposal located in proximity to any of the following:</b> <ul style="list-style-type: none"> <li>• aquaculture operation</li> <li>• designated Shellfish Growing Waters</li> <li>• fish spawning ground</li> <li>• other sensitive fisheries location</li> </ul> <b>Please Illustrate on appropriate chart including distance in Km.</b>		<b>x</b>	
<b>7.2</b>	<b>Are there other potential impacts of the proposal on fishing/aquaculture in the area? If yes, please describe.</b>		<b>x</b>	



7.3	<p><b>Are there any measures proposed to mitigate potential impacts on fisheries or aquaculture? If yes, please describe.</b></p>		x	
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**Part 8 – Additional information**

8.1	<p><b>Please detail any additional relevant information.</b></p> <p>N/A.</p>
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**Declaration and Consent:**

**The details provided here are correct to the best of my knowledge.**

**I understand that no works will be commenced, by me or my agents on the proposed site, without the prior written consent of the Minister.**

**I give consent to the Minister and his servants to copy this application and to make it available for inspection and copying by the public. This consent relates to this application, to any further information, or submission provided by me or on my behalf and to the publication of the licence document.**

**Signature of Applicant (or his or her Agent):**

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**Name of above Signatory (block letters):**

Jerome O'Brien

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**Position Held:**

Director

  

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**Date:** 25<sup>th</sup> April 2018

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**Return completed applications to:**

Marine Planning and Foreshore Section  
Department of Housing, Planning and Local Government  
Newtown Road  
Wexford  
Y35 AP90

Enquiries to: [Foreshore@housing.gov.ie](mailto:Foreshore@housing.gov.ie) (Other contact details to be included in Guidance materials)



Email a copy of application documents: [Foreshore@housing.gov.ie](mailto:Foreshore@housing.gov.ie)

### Enclosures Checklist

**One hard copy of every document is required unless otherwise stated. Electronic versions of documentation must also be provided in searchable PDF format (no single file to be greater than 30mb) so that the Department can make them available on its website.**

Item No.	Description	No. of copies Required	
<b>1</b>	<b>Application Form.</b> With original signature	4	<b>x</b>
<b>2</b>	<b>Mapping (see guidelines document)</b> (i) Site Location map (ii) Foreshore Lease/licence map	4 4	<b>x</b> <b>x</b>
<b>3</b>	<b>British Admiralty Chart</b> (largest available scale)	1	<b>x</b>
<b>4</b>	<b>Drawings</b> of the structures to be used and/or layout	4	<b>x</b>
<b>5</b>	<b>Pre-application correspondence with stakeholders.</b>	1	<b>x</b>
<b>6</b>	<b>Other statutory permissions:</b> (i) Planning permission (ii) Effluent Discharge Licence (iii) Other consent (Please specify)	1 1 1	<b>N/A</b> <b>N/A</b> <b>N/A</b>
<b>7</b>	<b>Company documentation (1):</b> Certified copy of the Company's Memorandum and Articles of Association	1	<b>N/A</b>
<b>8</b>	<b>Company documentation (2)</b> Certificate of Incorporation of a Limited Liability, or Company/Rule Book/Constitution for a Club or Co-Operative Society as appropriate	1	<b>N/A</b>
<b>9</b>	<b>Environmental Impact Statement (EIS).</b> (i) Hard copy (ii) CDs	5 25	<b>N/A</b> <b>N/A</b>
<b>10</b>	<b>Natura Impact Statement (NIS)</b> (i) Hard copy (ii) CDs	5 4	<b>x</b> <b>x</b>
<b>11</b>	<b>Property-related owner permissions/wayleaves</b> (i) Folio – (or other evidence of private ownership) (ii) Wayleave/consent from other property owners (iii) Other (Please specify)	2 1 1	<b>x</b> <b>N/A</b> <b>N/A</b>



<b>12</b>	<b>Other – Please specify</b>		
	Engineering Report	4	<b>x</b>
	Archaeological Assessment	4	<b>x</b>