



Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government

FORESHORE ACTS 1933 TO 2003 - GENERAL GUIDANCE NOTES

The Foreshore Acts require that before the commencement of any works or activity (including the erection of any structures) on State-owned foreshore a licence or lease must be obtained from the Minister for Agriculture, Fisheries and Food. Such a lease or licence is subject to an annual rental payable to the Exchequer. Foreshore is the land and seabed between the high water of ordinary or medium tides (shown HWM on Ordnance Survey Maps) and the twelve-mile limit (twelve nautical miles is approximately 22.24 kilometres).

Applicants for a lease or licence are urged to consult the Department well in advance of finalising their proposals. An application for a lease or licence must be accompanied by 10 copies (15 copies if there is a possibility of significant impact on the marine environment, such as for sewerage schemes, capital dredging, marinas and any project requiring an EIS) of each of the following documents and be sent to:

**Foreshore Unit
Department of Environment, Heritage and Local Government
Newtown Road
Wexford**

1. Completed application form **one with original signature**.
2. Ordnance Survey Map of 6" scale (latest edition) showing the precise area and the hectareage involved below the line of high water of medium tides clearly marked on the Map in distinctive colour. Applicants must certify and date all maps submitted, stating the area of foreshore involved in metric measurements (i.e. hectares or square kilometres etc). Plan, elevation and sectional drawing showing clearly the nature of the proposed works and lines and levels of high and low water of Spring tides.
3. Longitudinal section showing clearly how such works will be laid in relation to the surface of the seabed and having delineated on it the lines and levels of high and low water of Spring tides.
4. Certified copy (only 1 copy required) of the Company's Memorandum and Articles of Association and Certificate of Incorporation of a Limited Liability Company/Rule Book/Constitution for a club or Co-Operative Society as appropriate to the particular circumstance.

Additional copies or any or all documents may be requested to facilitate examination by the Department's specialist advisors.

Applicants are required to publish notice of their proposals in newspapers circulating in the area. The Department will prepare the notice and specify the newspapers in which it should be published. A three week period is allowed for representations and objections to be made to the Minister. The applicant is allowed an opportunity to comment on these before the final report is made to the Minister. That report will detail the proposal, the process that has been gone through, objections and commentary on them, and recommend whether or not to grant a lease or licence and if so under what conditions.

Certain developments are subject to the European Communities (Environmental Impact Assessment) Regulations, 1989 to 1999. An application for any development above the relevant threshold in the Regulations must include an Environmental Impact Statement (EIS). Applicants are encouraged to seek the Department's opinion at the scoping stage of the EIS. An appraisal of the environmental effects of a development below the threshold must be submitted by the applicant to allow the Minister to decide whether it is likely to have significant effects on the environment. Where the decision is "yes" an EIS is mandatory. The public consultation period for an application requiring EIS is one month and a copy of the EIS must also be provided by the applicant to the consultative bodies named in the Foreshore (Environmental Impact Assessment) Regulations, 1990 [SI N° 220 of 1990].

Developments on the foreshore require planning permission in addition to a Foreshore Lease/Licence/Permission. All Foreshore Leases, Licences and Permissions are without prejudice to the powers of the local planning authority. Applicants should, therefore, consult initially with the local planning authority regarding their proposal. In the case of developments on foreshore for, by or on behalf of a Local Authority where an EIS is required, applications should be made to An Bord Pleanála under **Part XV, Planning and Development Act 2000**. 10 copies of any applications made under this Act must be sent to this Department at the time of application to An Bord Pleanála.

Applicants seeking permission to lay an outfall or discharge pipe on the foreshore should also apply to the local authority or the Environmental Protection Agency for a licence under the Local Government (Water Pollution) Acts.

Developments on privately owned foreshore also requires the prior permission of the Minister under the Foreshore Acts.

Priority will be given to cases where emergency works are required for the preservation of human life. In such cases the Department should be contacted immediately by an application form with the required documents and drawings made available by whatever means allow for speediest arrival, with an undertaking to comply with any advice or instructions given by the Department. These completed applications would be dealt with as a priority in accordance with standard procedures, but it may be necessary for the Department to require modification of works carried out or their replacement with more permanent works of a design and nature acceptable to the Minister.

Telephone: +353 053 9117464

LoCall No.: 1890 20 20 21 Fax No.: 053 9117603

Email: foreshore@environ.ie

Internet: www.environ.ie Address:

**Foreshore Unit
Department of Environment, Heritage and Local Government
Newtown Road
Wexford**



Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government

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

(This form should **NOT** be used for Applications for Offshore Electricity Generating Stations)

Please read Guidance Notes before completing this form

USE BLOCK CAPITALS IN BLACK INK

For Office Use

Application Ref. No. _____

Date of receipt.

1. A. Name(s) of Applicant(s) in full

Wexford County Council

B. Address(es) of Applicant(s) in full

County Hall, Carricklawn, Wexford Town, Co. Wexford

Telephone 0539196000 Mobile N/A

Fax N/A E-mail postmaster@wexfordcoco.ie

RSI/PPS No./CRO No: N/A

C. Signature of Applicant

_____ Date: _____

(where the signatory is an officer of a local authority or a company, the position held should be stated and the signatory's name should also be provided in block capitals).

D. Name of contact person if different from above

Mr. Pat Parle, Consulting Engineer, Malachy Walsh and Partners

Address: Park House, Mahon Technology Park, Bessboro Road, Blackrock, Cork

Telephone 021 4536400 Mobile N/A

Fax N/A E-mail patrick.parle@mwp.ie

* Legislation Applicable Foreshore Act, 1933 (No. 12); Foreshore (Amendment) Act, 1992 (No.17); Fisheries and Foreshore (Amendment) Act, 1993 (No. 54), Fisheries (Amendment) Act, 2003 (No. 21); European Communities (Environmental Impact Assessment Regulations, 1989 to 1999; Foreshore (Environmental Impact Assessment) Regulations, 1990 (S.I. No. 220); Planning and Development Act 2000 (No. 30) Part XV

E. Name and Address of Applicant's Legal Advisors

(Applicants are strongly advised to seek legal assistance, prior to agreeing to accept an offer of a foreshore lease/licence/permission as all are legally binding documents. Where an offer is made of a Foreshore Lease/Licence/Permission it will be done through the Applicant's Legal Advisors)

Ensor O'Conner Solicitors, Melrose House, Westgate, Wexford

Telephone 0539152633 Fax 0539121695 E-mail amooney@ensoroconnor.ie

2. (A) A detailed description of the proposed works which are to be carried out on the foreshore. (Please feel free to use additional sheets, which should be signed and dated).

Maintenance dredging of the basin area within the Harbour.
The plan area of the dredging is approximately 10,000m² (1Ha).
The depth of dredging varies from 0.3m to 1.3m.
The proposed dredge volume is estimated at 7,300m³.
It is proposed to dispose of the dredge spoil on land to a licenced site.

(B) A Statement of reason for the works

The reason for the dredging works is that the harbour area tends to silt up and the maintenance dredging is to provide additional water depths for all harbour users.
There is insufficient water depth for many of the harbour users at present.
It is not anticipated that there will be a disturbance to the foreshore outside the immediate harbour basin. It is intended to block the entrance to the harbour and to dry out the harbour for part of the duration of the dredging works. In this way little material to be dredged will escape outside the harbour basin.
The works will have to be programmed such as to minimise impacts to the users of the harbour.

A statement of the disturbance to the foreshore, arising from these works, should be attached covering the impact on the marine environment including the impact on coastal erosion, navigation, fishing, fisheries (various species known to inhabit the area), pleasure boating and sailing, air navigation (if appropriate).

(C) Provide the following location details in respect of the area of foreshore for which the

Lease/Licence/Permission is sought

(i) Bay N/A

(ii) County Wexford

(iii) Geographic co-ordinates in degrees, minutes and seconds

Lat: 52°38'38.12"N Long: -06°13'37.24"W

(iv) OS Map No. OS 3014 & 3214

(v) Size (hectares) 1Ha

(vi) Local Authority Wexford County Council

3. RECORD OF DOCUMENTS ENCLOSED WITH THIS APPLICATION



An application for a lease or licence must be accompanied by 10 copies (15 copies if there is a possibility of significant impact on the marine environment, such as for sewerage schemes, dredging, marinas and any project requiring an EIS) of all relevant documents.

(i) Ordnance Survey Map (Scale of 1:10,560, ie a six inch map)

Applicants must certify and date all maps submitted, stating the area of foreshore involved in metric measurements (i.e. hectares or square kilometres etc) with the area involved clearly delineated in red thereon.



(ii) British Admiralty Chart (largest available scale)



(iii) Decision of planning authority or An Bord Pleanála under Planning Acts (Required)

Developments on the foreshore require planning permission in addition to a Foreshore Lease/Licence/Permission. All Foreshore Leases, Licences and Permissions are without prejudice to the powers of the local planning authority. Applicants should, therefore, consult initially with the local planning authority regarding their proposal.



(iv) Copy of licence under Section 4 of Local Government Water Pollution Act, 1977



(v) Environmental Impact Statement



(vi) Drawings of the structures to be used and/or layout



(vii) Copy of any correspondence with the Department of the Environment, Heritage and Local Government (Heritage and Planning Division)



(viii) Certified copy of Company's Memorandum and Articles of Association (Only one copy is required)



(ix) Certificate of Incorporation of a Limited Liability Company/ Rule Book/Constitution for a Club or Co-Operative Society as appropriate



(x) Other (specify) _____

1) Malachy Walsh and Partners Courtown Basin Dredging Interim Report is attached to this document. This report includes Sediment analysis results and a Bathymetric Survey of the dredge area. (15193-6003) _____

2) Site Location Map (15193-5003) _____

3) Cross Sections showing dredge profile (15193-5004) _____

(Note: It may not be necessary to include all of the above documents please refer to the accompanying "Guidance Notes".

4. Details of any previous Leases/Licences/Permissions received by the applicant for this or any adjoining sites (if appropriate)

(i) **Date of Lease/Licence/Permission** None known

(ii) **Reference number(s)** NA

5. Is all or any part of the Foreshore (the subject of this application) in private ownership?

No

(This search should be carried out in the Registry of Deeds and Land Registry and copies of results, including where appropriate, folio maps should be included).

If yes, please provide details of ownership.

N/A

Have adjacent land owners, whose properties may be affected by these works been consulted?

Please provide details/permissions as appropriate.

N/A

6. Employment Implications (if any)

There will be employment opportunities during the dredging works. Improved facilities will encourage greater use of the harbour.

7. Capital cost of proposed works (€ - Euro) €100,000

8. Do the proposed works involve the draw down of European Union or State funding?

No

If “Yes” give details, including any time restrictions, etc. applying

N/A

9. Do the proposed works provide for public use, restricted use or strictly private use? (give details)

The improved facilities will be for public use.

10. Are there public health/safety implications arising from the proposed works? (e.g. effluent disposal, removal of derelict or dangerous structures etc.)

There will be health and safety issues during dredging. These will be dealt with in the normal manner relating to construction health and safety.

10a. Are there public navigational safety implications arising from the proposed works?

There are potential implications during dredging though it is anticipated that these will be dealt with in the normal manner of construction sites. The works will be undertaken in consultation with harbour users in order to minimise disturbance users.

1. What marine activity is there in the area?

Leisure craft and commercial fishing craft use the harbour area and the existing facility.

2. How will the marine activity be affected by the proposed works?

During the proposed works arrangements will be put in place regarding navigational issues in the vicinity of the works.

3. What mitigating measures will be put in place?

There will be a separation zone between the works and users of the harbour and there will be warnings given of the proposed works to harbour users. Normal construction health and safety regulations will be adhered to and procedures to ensure site safety will be explicitly stated by the works contractor.

4. How will the proposed works affect Marine Navigation in the future?

The proposed works will improve the marine navigation. It will allow for greater under-keel clearance and the ability to use the harbour facilities throughout a greater range of water levels.

11. Will the works involve the storage and/or disposal of waste?

Yes, The works will involve the dredging of some 7300m³ of material. The spoil will consist of a mixture of silt, fine and medium sand in the approximate proportions 5%, 55% and 35%.

If “Yes” please give details of the type of waste and the proposed method of storage and/or disposal (including location)

It is intended that the dredge spoil will be taken from site and disposed of to a licenced landfill site. Sediment analysis was undertaken on samples. These were tested against the Waste Acceptance Criteria and criteria set by the Marine Institute relating to dredging and the disposal of dredge spoil at sea. The principal conclusion regarding Waste Acceptance Criteria is that the leachable chlorides are at 3000mg/kg which is above the inert level of 800mg/kg but below the non hazardous waste criteria of 15,000mg/kg. The high reading would be due for the most part to the salt water content of the sample. Ballyconnigar Quarry has been provisional selected as a suitable site for disposal. See accompanying document “Malachy Walsh and Partners Courtown Basin Dredging Interim Report”.

**Certain developments are subject to the European Communities (Environmental Impact Assessment) Regulations, 1989 to 1999. It is the responsibility of the applicant to consult and comply with these Regulations. Where the relevant threshold in the Regulations is exceeded an application for permission under the Foreshore Acts must include an Environmental Impact Statement (EIS). Applicants are encouraged to seek the Department’s opinion at the scoping stage of the EIS.*

An appraisal of the environmental effects of a development below the threshold must be submitted by the applicant to allow the Minister to decide whether it is likely to have significant effects on the environment. Where the decision is “yes” an EIS is mandatory.

In the case of developments on foreshore for, by or on behalf of a Local Authority where an EIS is required, applications should be made to An Bord Pleanála under Part XV, Planning and Development Act, 2000. 10 copies of any applications made under this Act must be sent to this Department at the time of application to An Bord Pleanála.

Note: While every effort will be made to deal promptly with applications, priority will be given to dealing with applications involving public infrastructure, public health, public use and those having employment implications.

