Department of
Agriculture,
Fisheries and Food
An Roinn
Talmhaíochta,
Iascaigh agus Bia

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, dredging, marinas and any project requiring an EIS) of each of the following documents and be sent to:

Foreshore Section
Coastal Zone Management Division,
Department of Agriculture, Fisheries & Food,
Clogheen,
Clonakilty,
Co. Cork.

1. Completed application form.one with original signature.
2. Ordnance Survey Map of 6" scale (latest edition) showing the precise area and the hectarage 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.

The Department of Agriculture, Fisheries and Food (Coastal Zone Management Division) will be pleased to assist with any enquiries.
Telephone: +353 23 88 59500 **LoCall 1890 21 25 41** **Fax: +353 23 88 21782**

Email: foreshore@agriculture.gov.ie **Internet: www.agriculture.gov.ie**

Department of Agriculture, Fisheries and Food
Roinn Talmhaíochta, Iascaigh agus Bia

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

Mayo County Council

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

Áras an Chontae, The mall, Castlebar, County Mayo.

Telephone (094) 9024444 **Mobile**

Fax **E-mail** info@mayococo.ie

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

C. Signature of Applicant

Patrick Parle (Pat Parle) of Malachy Walsh & Partners **Date:** 21st December 2009

(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

Jerome Mc Carthy

Address Malachy Walsh and Partners, Park House,

Mahon Technology Park, Bessboro Road, Blackrock, Cork.

Telephone (021) 4536400 **Mobile**

Fax (021) 4563450 **E-mail** jerome.mccarthy@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)

King and McEllin Solicitors, The Mall, Castlebar, Co. Mayo.

Telephone (094) 9022759 **Fax** _____ **E-mail** _____

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).

(i) New Pontoons: Driving of 3 no. piles for the purpose of retaining 2 no. new floating pontoon units, of size 20m x 5m and 10m x 5m, in the sea off Rosmoney Pier. These will be linked to the existing pier by a pedestrian access ramp of length no longer than 25m. It is proposed that a new bankseat will be constructed on the existing pier to receive the landward access ramp. It is also proposed to level the existing seabed in the area around the footprint of the proposed pontoons.

(ii) Existing Pier: It is proposed to carry out necessary repair works highlighted following a recent survey of the existing pier structure. These include minor repair works relating to areas of potential undermining to the base of the pier, and replacement of existing damaged ladders.

(B) A Statement of reason for the works

The works are for the improvement of safe access to the water at Rosmoney Pier.

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 Rosmoney, Clew Bay

(ii) County Mayo

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

53° 49' 34"N 9° 37' 14"W

(iv) OS Map No. MO076

(v) Size (hectares) 0.09 Ha

(vi) Local Authority Mayo 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.	X
(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**	X
(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)**	

(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** N/A

(ii) **Reference number(s)** N/A

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

Employment opportunities during construction

7. **Capital cost of proposed works (€ - Euro)** €250,000

8. **Do the proposed works involve the draw down of European Union or State funding?**
There will be some state funding but the works will be funded principally by a contribution from a local community group.

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

Because of safety issues the community group wish to proceed as quickly as possible

9. **Do the proposed works provide for public use, restricted use or strictly private use? (give details)**
The proposed works provide for public use. The new pontoon will provide improved and safer access to the sea for all craft users at this location.

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

The works will improve public safety by providing more safe access to craft at Rosmoney Pier

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

The proposed improvements will make berthing at the existing pier more difficult for a limited number of users. However, the proposal has been drawn up by a local community group consisting of pier users and these users consider that any navigational difficulties are not significant.

1. What marine activity is there in the area?

Access to Islands in Clew Bay, access to sailing school, access for supply vessels, recreational users such as motor boating and fishing activities.

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

Access to the berthing face of the existing pier will be reduced, approaching vessels will need to manoeuvre around the proposed pontoons when approaching the pier. Vessels will have a greater depth for berthing at the proposed pontoons.

3. What mitigating measures will be put in place?

There are no proposed mitigation measures as the proposal is not considered to impact significantly on navigation.

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

The proposal is considered to be a short term measure to improve and make safer water access. In the longer term, the piles, pontoons and bridge will be moved to the west of the pier as part of an overall plan for the area.

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

No

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

N/A

**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.

Any additional Information

An ecological survey and appropriate assessment of the proposed development is being commissioned. This assessment will be forwarded to the department early in 2010.

Please send completed application form to:
Foreshore Section
Coastal Zone Management Division
Department of Agriculture, Fisheries & Food
Clogheen, Clonakilty, Co. Cork

Tel: + 353 23 88 59500
LoCall: 1890 25 27 41
Fax: + 353 23 88 21782
E-mail: foreshore@agriculture.gov.ie

Incorrectly completed or incomplete application forms cannot be processed and will be returned.