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 the Environment, Community and Local Government or the Minister for Agriculture, Fisheries and Food, as appropriate. 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:

**Department of Environment, Community 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 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 No. 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:**

**Department of Environment, Community and Local Government**
Newtown Road
Wexford
**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**

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<th>1.</th>
<th>A. <strong>Name(s) of Applicant(s) in full</strong></th>
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<td>DROGHEDA PORT COMPANY</td>
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<th>Address(es) of Applicant(s) in full</th>
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<td>HARBOURVILLE, MORNINGTON ROAD, DROGHEDA, CO. MEATH</td>
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<td><strong>Fax:</strong></td>
<td>041-9832844</td>
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<tr>
<td><strong>E-mail:</strong></td>
<td><a href="mailto:MARITIMEHOUSE@DROGHEDAPORT.IE">MARITIMEHOUSE@DROGHEDAPORT.IE</a></td>
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<th><strong>C. Signature of Applicant</strong></th>
<th><strong>Date:</strong></th>
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<tr>
<td>(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)</td>
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<th><strong>D. Name of contact person if different from above</strong></th>
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<tr>
<td>CAPTAIN MARTIN J. DONNELLY</td>
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* 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)

MR. FIACH MCHUGH
MCKEEVOR TAYLOR SOLICITORS
31 LAURENCE STREET
DROGHEDA, CO. LOUTH

Telephone: 041-9838630 Fax: 041-9837237 E-mail: INFO@MCKEEVORTAYLOR.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).


(B) A Statement of reason for the works

TO MAINTAIN SAFE NAVIGATIONAL WATER DEPTHS AT THE RIVER ENTRANCE AND SEAWARD APPROACHES, TO MAINTAIN A SAFE AND CLEAR NAVIGATION CHANNEL TO THE SHIP BERTHING FACILITIES, TO MAINTAIN SAFE BERTHS AND SHIP SWINGING AREAS FOR OCEAN GOING VESSELS TO SAFELY ENTER, MANOEUVRE AND EGRESS FROM DROGHEDA PORT.

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: RIVER BOYNE ENTRANCE AND SEAWARD APPROACHES, RIVER BOYNE COMMERCIAL ESTUARY INCLUDING ALL BERTHS AND SHIP MANOEUVERING AREAS.

(ii) County: LOUTH & MEATH

(iii) Geographic co-ordinates in degrees, minutes and seconds
53 42.81N 06 20.95W
53 42.82N 06 20.96W
53 43.36N 06 14.33W
53 43.25N 06 14.26W
53 43.36N 06 14.33W
53 43.25N 06 14.26W
53 43.24N 06 13.60W
(iv) **OS Map No.** Under Licence No. EN 0005010

(v) **Size (hectares)** COMMERCIAL ESTUARY 118.7 HECTARES, RIVER ENTRANCE AND SEAWARD APPROACHES 15.3 HECTARES, TOTAL 134 HECTARES.

(vi) **Local Authority:** DROGHEDA PORT COMPANY AS DEFINED IN THE HARBOURS ACT 1996 AND AMENDMENTS

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, Community and Local Government (Community 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)** SUPPORTING DOCUMENTATION, WORKS DESCRIPTION, ENVIRONMENTAL REPORTS, TECHNICAL REPORTS AND DRAWINGS.

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: 5 YEAR MAINTENANCE DREDGING DUMP AT SEA PERMIT.

(ii) Reference number(s) PERMIT NO. 387, ISSUED BY DEPARTMENT OF AGRICULTURE, FISHERIES AND FOOD.

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.

________________________________________________________________________________

________________________________________________________________________________

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) DROGHEDA PORT COMPANY AND ITS OPERATORS ARE MAJOR EMPLOYERS WITHIN THE NORTH EAST REGION BOTH IN TERMS OF DIRECT AND INDIRECT EMPLOYMENT. ADDITIONALLY, THERE ARE FOUR PRIVATE IMPORT/EXPORT FACILITIES LOCATED ON THE COMMERCIAL ESTUARY THAT DEPEND ON THE RIVER ACCESS FOR SEAGOING VESSELS TO CONDUCT THEIR BUSINESS. ANY DISRUPTION TO THE PORT ACCESS WATER DEPTHS FOR SAFE NAVIGATION OF SEAGOING VESSELS WILL IMMEDIATELY IMPACT ON DROGHEDA PORT COMPANY AND ITS OPERATORS ABILITY TO MAINTAIN BUSINESS AND EMPLOYMENT. THE SAME APPLIES TO THE PRIVATE FACILITIES, THEIR BUSINESS AND EMPLOYMENT.

7. Capital cost of proposed works (€ - Euro) N/A

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

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


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

NO. THE ONLY OPERATION WITHIN THE DEFINED AREA OF FORESHORE SOUGHT IS FOR THE DREDGING OF ACCRETED MUDS AND SILTS RESULTING FROM FLUVIAL DEPOSITS, OR ACCRETED SANDS FROM COASTAL LONGSHORE SEDIMENT TRANSPORT OR STORM ACCELERATED ACRETION.

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

NO. DROGHEDA PORT IS THE NAVIGATIONAL AUTHORITY FOR THE AREA CONTAINED WITHIN ITS PORT AND PILOTAGE LIMITS AS DEFINED IN THE HARBOURS ACT 1996 AND AMENDMENTS. THE NORMAL SAFE NAVIGATIONAL PROCEDURES ARE APPLIED IN ADVANCE AND DURING EACH DREDGING CAMPAIGN. PLANT ENGAGED IN THE ACTUAL DREDGING COMPLY WITH THE INTERNATIONAL COLLISION REGULATIONS AND DISPLAY THE APPROPRIATE DAYTIME AND NIGHTIME NAVIGATIONAL SIGNALS.

1. What marine activity is there in the area.

MARINE ACTIVITIES IN THE AREA ARE DIVIDED AS FOLLOWS:

(A) THE PRIMARY MARINE ACTIVITY ON THE RIVER BOYNE IS THE COMMERCIAL SHIPPING TO AND FROM DROGHEDA PORT AND ITS ASSOCIATED FACILITIES (6 IN NUMBER).
(B) A SMALL NUMBER OF SEAGOING TRAWLERS USE THE PORT OCCASIONAL FOR REPAIRS PARTICULARLY IF THE ADJACENT CLOGHERHEAD HARBOUR IS AT CAPACITY.
(C) A SMALL NUMBER OF INSHORE SHELL FISHING BOATS ARE BASED WITHIN THE RIVER SAILING AND BERTHING ON A DAILY BASIS.
(D) IN THE SUMMER MONTHS A SMALL NUMBER OF TOURIST YACHTS VISIT DROGHEDA.
(E) LOCAL DAY BOATS, FAST POWER CRAFT, RESCUE BOATS, ROWERS AND CANOES.

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

NO AFFECT. DROGHEDA PORT HAS A LONG HISTORY OF DREDGING WITHOUT IMPACT OR RECORDED INCIDENT ON ANY OF THE ABOVE NOTED MARINE RELATED ACTIVITIES. DROGHEDA PORT COMPANY WITHIN THE PAST TWELVE YEARS HAS CARRIED OUT TWO MAJOR CAPITAL DREDGING CAMPAIGNS WHEREBY A LARGE NUMBER OF DREDGING PLANT ITEMS WERE LOCATED WITHIN THE ESTUARY ON A 24/7 OPERATIONAL BASIS WITHOUT
INCIDENT OR DISRUPTION TO THE COMMERCIAL OR LEISURE ACTIVITIES OF THE WIDER COMMUNITY.

3. What mitigating measures will be put in place?

LOCAL NOTICES TO MARINERS WILL BE ISSUED AND POSTED ON THE DROGHEDA PORT COMPANY WEBSITE [WWW.DROGHEDAPORT.IE](http://WWW.DROGHEDAPORT.IE). PORT AND MARINE RELATED INTEREST PARTIES ARE CIRCULATED ON THE PORTS DAILY SHIPPING PROGRAMME. DREDGING PLANT ENGAGED MUST OPERATE TO A DEFINED PROGRAMME. DREDGING PLANT ENGAGED MUST COMPLY WITH THE INTERNATIONAL COLLISION REGULATIONS AND EXHIBATE THE APPROPRIATE DAYTIME AND NIGHTTIME NAVIGATIONAL SIGNALS FOR A VESSEL OF ITS SIZE AND OPERATION. DREDGING PLANT MUST COMPLY WITH THE PORT BYELAWS AND DIRECTIONS OF THE HARBOURMASTER.

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

MAINTENANCE DREDGING WORKS ARE ESSENTIAL FOR THE ON-GOING SAFE OPERATIONS OF DROGHEDA PORT. A SAFE NAVIGATION CHANNEL MUST BE MAINTAINED FROM SEA TO BERTH. WATER DEPTHS PARTICULARLY AT THE RIVER ENTRANCE AND SEAWARD APPROACHES ARE REDUCED DUE TO NATURAL ACCRETION FROM THE COASTAL PROCESSES AND ACCELERATED ACCRETION DUE TO STORM EVENTS PARTICULARLY SOUTHEAST AND NORTH EAST GALES. TO MAINTAIN SAFE MARINE NAVIGATION WATER DEPTHS, THIS ACCRETED MATERIAL MUST BE DREDGED NOW AND IN THE FUTURE.

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

SEA DISPOSAL AND BENEFICIAL RE-USE WITHIN THE CONSTRUCTION INDUSTRY.

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


DROGHEDA PORT WILL ALSO BE ENGAGING IN A BENEFICIAL RE-USE OPTION WHEREBY A PORTION OF THE MATERIAL DREDGED FROM THE RIVER ENTRANCE AND SEAWARD APPROACHES ONLY WILL BE BENEFICiALLY RE-USED WITHIN THE CONSTRUCTION INDUSTRY. THIS IS NOT AN AGGREGATE WINNING OPERATION. THIS BENEFICIAL RE-USE OPTION IS DRIVEN BY THE NEED TO DREDGE THE RIVER ENTRANCE AND SEA WARD APPROACHES TO RESTORE SAFE NAVIGATIONAL WATER DEPTHS PARTICULARLY AFTER SOUTHEAST OR NORTH EAST STORM EVENTS AND MEETS THE REQUIREMENTS OF THE OSPAR CONVENTION. MAINTENANCE DREDGING IS ONLY ENGAGED ONCE WATER DEPTHS ARE REDUCED BELOW A SAFE NAVIGATION VALUE RELATIVE TO CHART DATUM. THIS MATERIAL IS NOT BEING DISPOSED OF OR DISCARDED BUT BENEFICIALLY RE-USED.
*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.
CERTAIN PUBLIC AND PRIVATE PROJECTS THAT ARE LIKELY TO HAVE SIGNIFICANT EFFECTS ON THE ENVIRONMENT ARE SUBJECT TO EIA REQUIREMENTS DERIVED FROM EU EIA DIRECTIVE 85/337/EC (AS AMENDED BY DIRECTIVE 97/11/EC). INsofar AS DUMPING AT SEA PERMITTED AND FORESHORE LICENCED ACTIVITIES ARE CONCERNED, THE EIA DIRECTIVE IS TRANPOSED INTO LAW IN IRELAND PRIMARILY THROUGH THE EUROPEAN COMMUNITIES (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS, 1989 TO 1999 ALONG WITH VARIOUS AMENDING PIECES OF LEGISLATION.

REQUIREMENT FOR EIA IS DETERMINED BY REFERENCE TO MANDATORY AND DISCRETIONARY PROVISIONS SET OUT IN THIS LEGISLATION. IN DETERMINING WHICH PROJECTS ARE LIKELY TO HAVE SIGNIFICANT ENVIRONMENTAL EFFECTS, THE EIA DIRECTIVE AND ITS TRANSP OSING LEGISLATION IN IRELAND, LISTS THOSE PROJECTS FOR WHICH EIA IS MANDATORY (ANNEX I PROJECT TYPES) AND THOSE PROJECTS FOR WHICH EIA MAY BE REQUIRED DEPENDING ON THEIR NATURE, SIZE OR LOCATION (ANNEX II PROJECT TYPES). FOR ALL ANNEX I PROJECT TYPES, EIA IS MANDATORY AND MUST BE UNDERTAKEN IN ALL CASES. REQUIREMENT FOR EIA TO BE UNDERTAKEN FOR ANNEX II TYPE PROJECTS IS DECIDED EITHER BY VIRTUE OF PROJECTS MEETING THE THRESHOLD CRITERIA SPECIFIED IN ANNEX II, OR ON A CASE BY CASE BASIS IN THE EVENT THAT A PROJECT IS OF A TYPE LISTED IN ANNEX II BUT DOES NOT MEET THE SPECIFIED THRESHOLD CRITERIA.

IN THE CASE OF THIS FORESHORE LICENCE APPLICATION THE NEED FOR EIA DOES NOT ARISE AS MAINTENANCE DREDGING AND BENEFICIAL RE-USE ARE NOT LISTED UNDER EITHER ANNEX I OR ANNEX II OF S.I. NO. 93/1999 EUROPEAN COMMUNITIES (ENVIRONMENTAL IMPACT ASSESSMENT) (AMENDMENT) REGULATIONS, 1999 (AS AMENDED). AS SUCH NEITHER A MANDATORY NOR A SUB-THRESHOLD EIA REQUIREMENT ARISES FOR THIS PROJECT.

THIS WAS CONFIRMED DURING A PRE-SUBMISSION CONSULTATION WITH REPRESENTATIVES OF THE DOE/FORESHORE ON THE 26TH MARCH 2012 WHERE DROGHEDA PORT COMPANY WAS ADVISED THAT AN ENVIRONMENTAL IMPACT STATEMENT WAS NOT REQUIRED FOR THIS FOreshORE LICENCE APPLICATION. NONETHELESS A CONSIDERABLE QUANTITY OF RELEVANT ENVIRONMENTAL ASSESSMENTS HAVE BEEN UNDERTAKEN IN RECENT YEARS AND THESE ARE INCLUDED AS SUPPORTING DOCUMENTATION TO THIS APPLICATION. THESE STUDIES HAVE INVESTIGATED A RANGE OF POTENTIAL ENVIRONMENTAL IMPACTS WHICH MAY BE ASSOCIATED WITH DREDGING ACTIVITIES AND TOGETHER THEY DEMONstrate THAT SIGNIFICANT ENVIRONMENTAL IMPACTS WILL NOT OCCUR AS A RESULT OF THE DREDGING ACTIVITY FOR WHICH THIS FORESHORE LICENCE IS SOUGHT.

Please send completed application form to: Foreshore Unit Department of Environment, Community and Local Government Newtown Road Wexford

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