

Foreshore Consenting and Marine Energy

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Foreshore Unit – What We Do.

- Managing the foreshore estate and its income
 - Out to 12nm limit, raising ca. €1.5m rents p.a.
- Regulation of activities.

Leases = exclusive access required.

Licences = shared access possible.

Under the Foreshore Act, 1933.

Foreshore Consent – Two-in-One

- Permission to develop (planning)
- Permission to occupy (property management).

Functions shared:

- MAFF – all fisheries-related developments;
- MEHLG – other developments, including Wind, Wave and Tidal Energy projects.

Foreshore Consent - How?

To establish where “**The Public Interest**” lies.

- Public consultation.
- Public bodies and agencies consultation.
- Marine Licence Vetting Committee advice.
- Minister decides.

Terms and Conditions apply; both generic and specific, plus fees.

What are the Issues?

- Other Users – shipping, fishing, leisure craft.
- Nature conservation – marine flora and fauna.
- Good order – construction works, visual impact, decommissioning.
- Other consents – planning, energy generation.
- Viability of proposal – development certainty.
- Lease/licence fee – valuation of use.

So What's the Problem?

Big:

- Process duplication and overlap.
- Outmoded legislation.
- No Marine Spatial Plan.

Less Big:

- No guidance for potential applicants.
- Lack of transparency.

Problems for Marine Renewables:

- Legislation not suitable.
- No specific energy plan prior to OREDP.
- New territory for policy makers, technical advisors, while technologies and industry still very young.

How to Fix? Part One.

Process duplication, outmoded legislation?

General Scheme of a Marine (Planning and Development) Bill in preparation, for finalising by summer 2011.

- An Bord Pleanála to decide Strategic Infrastructure projects.
- Local Authorities to decide other projects within the existing planning system.

How to Fix? Part Two.

No Marine Spatial Plan.

- Development of a Marine Spatial Plan in collaboration with the Marine Institute to be advanced in 2011. A significant undertaking given large number of stakeholders and previously unplanned environment.
- The OREDP, out for public consultation now, is a crucial first step.
- Future developments: New competitive licensing approach to marine renewables e.g. a Rounds System?

How to Fix? Part Three.

No guidance for applicants.

Guidance has been prepared. On website soon. Pre-application consultation between DEHLG and applicant mandatory.

Lack of transparency:

Decisions now available on website. Further information will be available too as development work progresses.

...and while we wait for change?

- Public interest projects that contribute to the overall advancement of marine renewables will be supported through to licensing/leases.
- Device trials and other R&D projects can be supported via short-term Investigation Licences.
- Other well-advanced applications will be concluded.
- OREDP to provide policy framework. Participate now.

Take-home Message

- We are giving Marine Renewables priority treatment.
- We are aware of this critical development phase for industry.
- We are responding to the short and longer term needs of the industry for the sustainable growth of marine renewables.

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