



Ibec policy brief

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Ireland's foreshore is a valuable state asset. We urgently need reforms to make better use of it.

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Figure 1.
Area of Foreshore:
4 million Hectares

Ireland's coastal waters have a huge potential for sustainable economic development. However, the potential remains largely untapped. One of the main obstacles is that the regulatory framework for foreshore planning is outdated and no longer fit for purpose. Ibec urges the next government to reform the legislation as a matter of urgency. Action is long overdue.

How big is the asset?

The Irish Foreshore around our coast includes the intertidal zone and extends 12 nautical miles out from the low water mark. In total, it covers an area of nearly four million hectares.

How serious is the problem?

To date the maritime estate has been largely governed by the Foreshore Acts dating from 1933. The legislators at that time could not possibly have foreseen the scope of 21st century infrastructure development needed in our marine and coastal areas. Projects in diverse sectors such as ports, offshore renewable energy,

aquaculture, oil and gas exploration, waste management and marine research have suffered costly delays as a result. Left unchanged, it could also impact on other sectors such as electrical interconnectors and telecommunications infrastructure.

Consequently, the need for reform is a live issue to more than one of Ibec's policy committees, as well as its affiliate the Irish Ports Association.

What causes these delays?

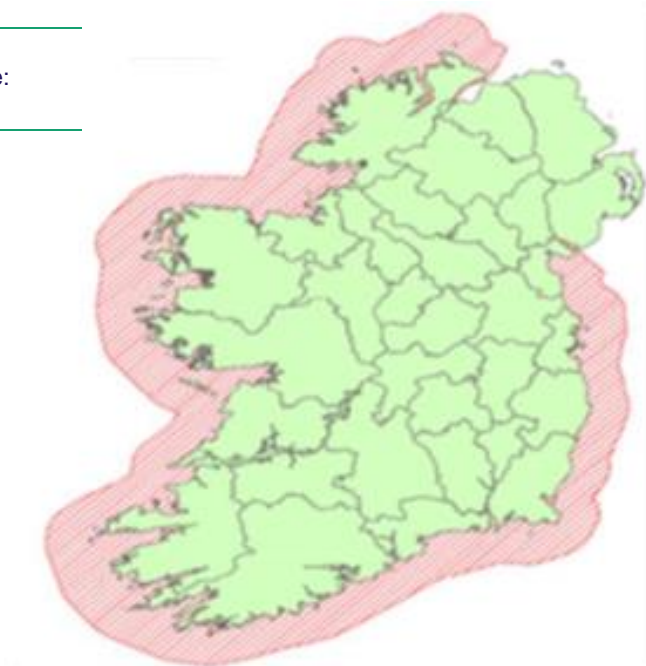
Depending on the scale and nature of the development being proposed, either a foreshore licence or lease has to be applied for. The foreshore consent review is undertaken by the Department of Environment. Separately, planning permission must be sought either from the local authority or from An Bord Pleanála. These two applications often have a good deal of overlap, but there is little or no co-ordination between them. Indeed, Ibec is anecdotally aware of examples where the foreshore consent review does not kick off until after the planning application review is virtually complete.

Applicants for development on the foreshore effectively have to negotiate their way through two separate, complex lengthy consent processes, one after another. Ibec believes the framework is unnecessarily costly, time consuming and fraught with uncertainty. Ibec is also aware of cases where it has impeded much-needed investment in Ireland's marine economy.

How can the system be improved?

Ibec advocates the alignment of the foreshore consenting process with the onshore planning system. Streamlining of the consenting process will unlock a vast potential real estate asset capable of facilitating investment in offshore and coastal infrastructural development.

Prior to 2010, foreshore consents were the responsibility of the Department of Agriculture, Fisheries and Food. They are



now vested in the Minister for the Environment, Community and Local Government. The amending legislation included minor changes to the Foreshore Acts 1933 to 2005.

The General scheme of the Maritime Area and Foreshore (Amendment) Bill 2013 has been on the section A-list of the government's legislative programme since September 2013 with a view to publication within each passing Dáil Session. The publication of this proposed Bill appears to have stalled and we seem no closer to publication than we did in 2013.

Further reforms will ensue if and when the Maritime Area and Foreshore (Amendment) Bill is enacted. These would include enabling the foreshore consent regime to rely upon environmental impact assessments (EIAs) and appropriate assessments (AAs) that are carried out as part of the planning process.

Even so, the framework will remain unwieldy and capable of further refinement. Firstly fewer public bodies should be involved in the process in order to reduce delays and ensure accountability. Secondly, there should also be a reasonable statutory timeframe set down for the determination of applications. Ibec is aware that some of the more technically complex applications have been delayed for several years.

The framework needs to reflect a national perspective. Otherwise there is a risk of planning being development led, with ad hoc decision making. In this regard, we welcome the forthcoming transposition of EU Directive 2014/89/EU which will oblige the Irish government to establish maritime spatial plans by 2021. Rather than waiting until this

deadline approaches, however, we should move forward quickly with a national maritime spatial plan to coordinate future development and to act as an enabler of growth.

Benefits of an integrated framework

The reforms Ibec is advocating will contribute to the realization of the vision and goals set out in various policy documents such as; *The National Ports Policy 2013*, *SEAI Review of the engineering & specialist support requirements for the Ocean Energy Sector – 2009*, *Harnessing Our Ocean Wealth* and in the *EU's Integrated Maritime Plan*. In particular, Ibec would expect to see greater certainty and predictability of project timelines being a source of encouragement for investors and the state bodies charged with economic development.

It could also simplify the work of parties wishing to engage constructively in the consultative process, thereby reducing the likelihood of legal challenges.

Furthermore, the Irish Exchequer could materially benefit from such reforms through increased licence fee revenues. However, there would need to be greater transparency on the valuation process and an appeals process on the valuation decisions of individual foreshore licenses. The Chief State Solicitor's Office is currently responsible for conveyancing; it too should be subject to prescribed timelines in order to avoid delays.

Our marine resources and coastal industries play a key role in regional and rural development. Progress on these highlighted issues may induce further growth and employment opportunities for regional and rural coastal communities.

Ibec policy team



John Carty, Transport Policy Executive

John is the Secretariat to Ibec's Transport Council and the Irish Ports Association. John is also a member of Business Europe's transport working group. John has several years experience working on a range of engineering projects, including energy, environmental, commercial and infrastructure projects and has most recently worked for Dublin Airport Authority in a project management role.

John holds an Honours Degree in Civil, Structural and Environmental Engineering from Trinity College Dublin and is currently completing a PhD at University College Dublin.



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As Head of Infrastructure, Neil Walker is responsible for Energy, Environment, Transport and OHS policy. Prior to joining Ibec, Neil held a number of senior management roles in industry, as well as providing strategic consultancy advice to regulatory agencies including the CER and EPA.

He holds a Masters Degree in Chemical Engineering from Cambridge University, an MBA from the London Business School and a PhD in Environmental Economics from University College Dublin.