



For Office Use

Ref. No. \_\_\_\_\_

Application date: \_\_\_\_\_

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

- Applications for Offshore renewable energy (ORE) projects should use an ORE specific form.
- Please complete the form electronically. Type details in the boxes provided, space will expand as you type.
- The enclosures checklist should also be completed
- Tá an leagan Gaeilge den fhoirm seo ar fáil ar iarratas.

**BEFORE FILLING OUT THIS FORM PLEASE READ THE DECLARATION AND  
CONSENT ON PAGE 9:**

**IT IS IMPORTANT TO NOTE THAT A CHANGE IN APPLICANT NAME WILL REQUIRE  
A NEW APPLICATION.**

**DATA PROTECTION**

The Office of the Data Protection Commissioner states that the sending of marketing material to individuals without consent may result in action by the Data Protection Commissioner against the sender including prosecution. It is the responsibility of persons or entities wishing to use any personal data on an application form for direct marketing purposes to be satisfied that that they may do so legitimately under the requirements of the Data Protection Acts 1998 and 2003 and with regard to General Data Protection Regulation (2016/679) requirements.

**Applicant Name and Address:**

**Full Name of Applicant (not Agent):** Donegal Co. Council - ( )

**Company/Organisation:** Local Authority

**Address:** County House, The Diamond, Lifford, Co. Donegal

**Eircode:** F93 Y622

**Applicant Contact Details:**

**Phone No:** 074 9153900, 074 Mobile:

**E-mail address:** donegalcoco.ie

**Agent (if any) Address/Contact Details:**

<b>Person/Agent acting on behalf of the Applicant:</b> N/A
<b>Company:</b>
<b>Address:</b>
<b>Eircode:</b>
<b>Phone No:</b>
<b>E-mail address:</b>

**Applicant's Legal Advisor:**

<b>Name:</b> V.P. McMullin Solicitors
<b>Address:</b> Donegal Street, Ballybofey, Co. Donegal
<b>Eircode:</b> F93 DE63
<b>Phone No:</b> 074 9131010
<b>E-mail address:</b> bfy@vpmcmullin.com

**Part 1: Proposal Details (Attach additional documents as required)**

<p><b>1.1</b></p>	<p><b>Description of proposed works/activity.</b>  Magheraroarty is a small village on the North-West Coast of Co. Donegal, accessed by the R257 as shown in Drawing No. 001 – Site Location Plan included in Appendix 1.  Magheraroarty harbour is located South West of the 3km beach known as Dooley Strand. The harbour is used daily by the Tory Island ferry and is also home to a small number of commercial vivier crabbers as well as some seasonal shellfish vessels and leisure craft.  Over the winter months sand continues to be transported along Dooley Strand and deposited along the berthing face of the pier. This sand is removed annually during the equinoctial Spring Tides in March/April and deposited back on Dooley Strand as beach nourishment.  Donegal Co. Council now wish to apply for a foreshore licence to carry out this activity for a further 5 years. The amount of material to be removed from the berthing face of the pier annually and deposited back on Dooley Strand is in the region 10,000 up to a maximum of 20,000 tonnes. This work is carried out during low tide over a 5 – 6 day period coinciding with the Spring tide in March/April each year to give best access to the entire berthing area.  The ongoing maintenance dredging is required to maintain navigable depths of -2.5m Chart Datum within the harbour particularly for the Tory Island Ferry service. The area to be dredged is indicated on Drawing No.002a in Appendix 2 and covers an area of approximately 6,200m<sup>2</sup> (0.62ha)  The continued beach nourishment scheme will replace material eroding from Dooley Strand which is being transported along the shoreline by natural currents and long shore drift and deposited within the confines of the harbour.  The sand will be excavated by 360° tracked excavators working at low tide and loaded on articulated dumpers to be brought to the intertidal beach nourishment site where it will be spread evenly also using a 360° low bearing tracked excavator. Previous campaigns have demonstrated that the deposited sand on the foreshore is generally levelled by tidal action with the material naturally dispersing on the incoming and outgoing tide. The work is restricted by tide therefore there is no unsightly build up of sediment along Dooley Strand during the 5 – 6 day period of the works. Access to this section of the works (deposition site) is restricted to leisure users (walkers etc.) during the course of the works to ensure the safety of the public.</p>
<p><b>1.2</b></p>	<p><b>Describe the nature and scale of any structure to be erected on the foreshore. Is the structure proposed to be temporary or permanent?</b>  No structure is proposed as this application applies to Maintenance Dredging and Beach Nourishment only.</p>
<p><b>1.3</b></p>	<p><b>Indicative timing of the works/activity: (i) Start date (ii) Duration (iii) Any other information relevant to timing.</b>  This work is carried out during low tide over a 5 – 6 day period coinciding with the Spring tide in March/April each year to give best access to the entire berthing area. In 2021 the works will be carried out from 27<sup>th</sup> March – 1<sup>st</sup> April working between the hours of 10:00am and 3:00pm each day. The works will be carried out in a similar period in subsequent years coinciding with the Spring equinoctial tides.</p>

1.4	<p><b>Primary usage for proposed development (please tick)</b></p> <table border="1" data-bbox="384 309 1235 600"> <tr> <td><b>Use</b></td> <td></td> </tr> <tr> <td><b>Industrial</b></td> <td></td> </tr> <tr> <td><b>Commercial</b></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><b>Within Fishery Harbour Centre</b></td> <td></td> </tr> <tr> <td><b>Sea Fisheries</b></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><b>Local Authority</b></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><b>Community/Co Op scheme</b></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><b>Other(specify) Ferry Service to Tory Island</b></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	<b>Use</b>		<b>Industrial</b>		<b>Commercial</b>	<input checked="" type="checkbox"/>	<b>Within Fishery Harbour Centre</b>		<b>Sea Fisheries</b>	<input checked="" type="checkbox"/>	<b>Local Authority</b>	<input checked="" type="checkbox"/>	<b>Community/Co Op scheme</b>	<input checked="" type="checkbox"/>	<b>Other(specify) Ferry Service to Tory Island</b>	<input checked="" type="checkbox"/>
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1.5	<p><b>Do the proposed works provide for public use, commercial use, restricted use or strictly private use? Provide Details</b>          Mainly public use in maintaining conditions for the Tory Island Ferry Service between Tory Island and Magheraroarty to operate. Also commercial use in maintaining access for the commercial ferry operator and fishermen.</p>																
1.6	<p><b>Might the proposed works restrict public use/enjoyment of the foreshore? Provide details.</b> The proposed works will have no effect on the public other than some minor restrictions during the course of the works (5 hours per day for 6 days each year)</p>																
1.7	<p><b>Has the applicant held or does the applicant hold any previous Foreshore Licences, Leases or applications over the area sought or over any other area including pending applications? (Give details including Department's file reference number(s)).</b> FS007140 03/06/2020 – 06/06/2020, FS005988 24/03/2014 – 23/03/2019 Disposal at Sea Permit No. 389 11/03/2008 – 10/03/2013</p>																
1.8	<p><b>Status of planning permission application: Pending/granted/not required.</b></p> <p><b>Consent Authority:</b> N/A  <b>Reference Number:</b></p> <p><b>(Please provide copies of consents granted)</b></p>																
1.9	<p><b>Are any other consents required for this proposal? No Please detail.</b></p> <p><b>Consent type</b>  <b>Consent Authority:</b>  <b>Reference Number:</b>  <b>Status of application:</b></p> <p><b>(Please provide copies of consents granted)</b></p>																

<b>1.10</b>	<b>Employment Implications (if any)</b> 10 No. general operatives and plant operators will be employed for the 6 day period of the works. The maintenance dredging works will sustain the fishing activity of the local community and enable the smooth operation of the Tory Island ferry service.
<b>1.11</b>	<b>Capital cost of proposed works (€ - Euro)</b> €30,000 annually
<b>1.12</b>	<b>Do the proposed works involve the draw down of European Union or State funding?</b> No <b>If "Yes" give details, including any time restrictions, etc. applying</b>

**Part 2: Proposed Site. (Attach additional documents as required)**

<b>2.1</b>	<b>County:</b> Donegal
<b>2.2</b>	<b>Location name and nearest townland name:</b> Magheraroarty
<b>2.3</b>	<b>Geographic co-ordinates of the area under application in degrees minutes and seconds WGS84 for offshore developments and where the area can also be identified on the Ordnance Survey map and /or is connected to the seashore/mainland , specify Ordnance Survey map no and Irish National Grid co-ordinates</b>
<b>2.4</b>	<b>Please indicate the size of the Foreshore area (Ha<sup>2</sup>) or (M2) or (KM2)</b>  Area to be dredged = 0.62ha Area where beach nourishment will be carried out = 12.7ha
<b>2.5</b>	<b>If offshore please indicate distance from shore (Km):</b> N/A
<b>2.6</b>	<b>Is any of the foreshore in the proposed site in private ownership?</b> No <b>If yes please provide documentary evidence of same (e.g. folio)</b>
<b>2.7</b>	<b>Any other site details considered relevant:</b> Pier with adjacent beach with seasonal recreational use.

**Part 3. Maps and Drawings, Please refer to Guidance on map and drawing requirements.**

3.1	<p><b>Site location map attached? Please include reference no(s).</b></p> <p>Magheraroarty Harbour Dredging Site Location Map Drg. No. 01</p>
3.2	<p><b>Foreshore Lease/Licence map attached? Please include reference no(s).</b></p> <p>Magheraroarty Harbour Dredging Location Drg. No. 02a  Magheraroarty Harbour Nourishment Location Drg. No. 02b  Magheraroarty Harbour Dredging Traffic &amp; Nourishment Location Drg. No. 02</p>
3.3	<p><b>Drawings of structures to be used and or layout (if required) attached? Please detail and include reference no(s).</b> N/A</p>
3.4	<p><b>Admiralty Chart attached?</b></p> <p>Magheraroarty Harbour Dredging Location Admiralty Chart Drg. No. 03</p>
3.5	<p><b>Other maps/drawings attached ?</b> N/A – please detail and include reference numbers</p>

**Part 4: Pre- application consultations**

4.1	<p><b>Describe briefly any consultations undertaken with the following bodies:</b></p> <p><b>National Parks &amp; Wildlife Service (NPWS) of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs</b></p> <ul style="list-style-type: none"> <li>• <b>National Monuments Service (NMS) of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs</b></li> <li>• <b>Inland Fisheries Ireland</b></li> <li>• <b>Sea Fisheries Protection Authority</b></li> <li>• <b>Marine Institute</b></li> <li>• <b>Marine Survey Office</b></li> </ul> <p><b>Please also provide copies of correspondence.</b></p> <p>Marine Institute have been contacted and asked to provide details of sampling and analysis requirements for this activity</p> <p>NPWS have been contacted and briefed and a meeting has taken place on site with the Divisional Ecologist</p>
4.2	<p><b>Describe briefly any consultations undertaken with other relevant authorities (e.g. Local Authority, Port/Harbour authority etc) or State Agencies.</b> N/A</p>

4.3	<p><b>Describe any consultations undertaken to date with other foreshore users.</b></p> <p>Others users of the facilities including ferry operators, fishermen and other boat users are continuously updated on progress of these works on an annual basis.</p>
4.4	<p><b>Describe any likely interactions with activities of the public or other foreshore users during the construction and operational phases of the works/activities (e.g. fishing, aquaculture, sailing, and surfing swimming, walking). Describe any measures proposed to minimise inconvenience to other users.</b></p> <p>Access for berthing will be restricted during the course of these works, however, fishermen and other boat users will not be affected as these works will be carried out pre season. The ferry service will only be restricted for the period of low tide and will otherwise operate uninterrupted.</p>
4.5	<p><b>Have adjacent land owners, whose properties may be affected by these works been consulted? Please provide details/permissions as appropriate.</b></p> <p>All locals including land owners, fishermen and the general public will be advised of the works in advance through the local media and signage.</p>

**Part 5: Environmental Considerations  
(your consultations with National Parks and Wildlife Service and National Monuments Service may inform your answers. Attach additional reports as required and mark under the R column)**

[www.epa.ie/downloads/advice/ea/guidelines/](http://www.epa.ie/downloads/advice/ea/guidelines/)

[www.environ.ie/en/DevelopmentHousing/PlanningDevelopment/EnvironmentalAssessment/](http://www.environ.ie/en/DevelopmentHousing/PlanningDevelopment/EnvironmentalAssessment/)

<http://www.npws.ie/protectedsites/appropriateassessment/>

<http://webgis.npws.ie/npwsviewer/>

	<b>Environmental legislative requirements</b>	<b>Yes</b>	<b>No</b>	<b>R</b>
5.1	<b>Is an Environmental Impact Statement required for this proposal?</b>		No	

5.2	<b>Is a Natura Impact Statement required for this proposal?</b>	Yes		Yes
5.3	<b>Is the area within or adjacent to a NHA, pNHA, SAC, SPA, or National Park? Specify site names and code(s).</b>	Yes		
5.4	<b>Describe any other projects or plans for the area, anticipated or developed, that in combination with this proposal, may have a significant effect on a Natura 2000 site: Please list with planning reference numbers (where available).</b>  Ballyness Bay Coastal Flooding and Erosion Risk Management Study is currently underway to better understand issues regarding erosion in the entire area.			

	<b>Environmental Considerations</b>	<b>Yes</b>	<b>No</b>	<b>R</b>
5.5	<b>Will the proposal have any potential environmental impacts? If yes, please describe</b>  The effects will be minor in that sand that has moved from the beach to the pier area by long shore drift will be returned to the beach to be moved again during winter months.	Yes		
5.6	<b>Are you proposing any measures to mitigate the potential environmental impacts? If yes, please describe</b>  The amount of material to be moved will be the minimum amount that enables access to the pier. No over excavating or widening of the access channel will be undertaken. Material removed from the pier area will be replaced naturally over the winter months.	Yes		



5.7	<p><b>Are there public health/safety implications arising from the proposed works? (e.g. effluent disposal, removal of derelict or dangerous structures etc.) If yes, please describe</b></p> <p>These works are necessary to maintain safe access to navigation of vessels operating at Magheraroarty. Access to the pier and beach will be restricted during the works for the health &amp; safety of the general public. Mitigation measures to prevent pollution of the area will be undertaken throughout the course of the works.</p>	Yes		
5.8	<p><b>Will the works involve the storage and/or disposal of waste? If "Yes" please give details of the type of waste and the proposed method of storage and/or disposal (including location)</b></p> <p>These works involve the disposal of clean sand only to the designated beach nourishment area.</p>		No	
5.9	<p><b>Any other Environmental Considerations? If yes, please specify.</b></p>		No	

	<b>Built Heritage Considerations</b>	<b>Yes</b>	<b>No</b>	<b>R</b>
5.10	<p><b>Does the area contain an archaeological site or feature? If yes, please specify.</b></p>		No	
5.11	<p><b>Does the area contain or adjoin a listed archaeological site or monument? If yes, please specify.</b></p>		No	
5.12	<p><b>Will the proposal have any potential impacts on the archaeological integrity of the site? If yes please describe</b></p>		No	
5.13	<p><b>Are you proposing any measures to mitigate potential archaeological impacts? If yes, please describe?</b></p>		No	

**Part 6: Navigational Safety Considerations. (Your consultations with relevant stakeholders may inform your answers. Attach additional documents as required and mark under the R column)**

	<b>Navigational Safety Considerations.</b>	<b>Yes</b>	<b>No</b>	<b>R</b>
<b>6.1</b>	<p><b>Are there public navigational safety implications arising from the proposed works?</b></p> <p>We are in constant communication with users and in particular the ferry operator in regard to navigational safety. We also consult with the Marine Survey Office. A bathymetric survey has recently been undertaken to establish the presence of a channel/ridge or high points beyond the pier.</p>	Yes		
<b>6.2</b>	<p><b>What marine activity is there in the area?</b></p> <p>The Tory Island ferry operates a regular service from Magheraroarty pier and there are 2 No. commercial vivier fishing vessels as well as various seasonal fishing vessels and leisure craft.</p>			
<b>6.3</b>	<p><b>How will the marine activity be affected by the proposed works?</b></p> <p>The proposed works will facilitate all marine activity and there will only be minor disruptions during the course of the works.</p>			
<b>6.4</b>	<p><b>What mitigating measures will be put in place?</b></p> <p>Commercial fishing vessels can berth at Bunbeg during the course of the works and the Tory Island ferry will alter its timetable for the duration of dredging works.</p>			
<b>6.5</b>	<p><b>How will the proposed works affect Marine Navigation in the future?</b></p> <p>The proposed dredging will enable access to Magheraroarty pier at all stages of the tide and will enable safe navigation within the area.</p>			

**Part 7: Fishing/Aquaculture considerations (your consultations with IFI, SFPA, DAFM may inform your answers. Attach additional documents as required and mark under the R column)**

	<b>Fishing/Aquaculture considerations</b>	<b>Yes</b>	<b>No</b>	<b>R</b>
<b>7.1</b>	<p><b>Is the proposal located in proximity to any of the following:</b></p> <ul style="list-style-type: none"> <li>• <b>aquaculture operation</b></li> <li>• <b>designated Shellfish Growing Waters</b></li> <li>• <b>fish spawning ground</b></li> <li>• <b>other sensitive fisheries location</b></li> </ul> <p><b>Please Illustrate on appropriate chart including distance in Km.</b></p> <p>There is no aquaculture activity within the area due to its exposure to Atlantic waves. The activity will be carried out at low water and no work will take place within the sea.</p> <p>Nearby Ballyness Bay has recently been approved for the cultivation of Pacific Oysters &amp; Clams and this may impact on future dredging campaigns.</p>	Yes		
<b>7.2</b>	<p><b>Are there other potential impacts of the proposal on fishing/aquaculture in the area? If yes, please describe.</b></p> <p>Lobster &amp; Brown crab are fished off-shore from this location and will not be impacted as these works will be carried out in advance of the fishing season.</p>		No	
<b>7.3</b>	<p><b>Are there any measures proposed to mitigate potential impacts on fisheries or aquaculture? If yes, please describe.</b></p> <p>Consultation with aquaculture operators and fishermen will take place in advance of the works.</p>	Yes		

## **Part 8 – Additional information**

<b>8.1</b>	<b>Please detail any additional relevant information.</b>
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**Declaration and Consent:**

The details provided here are correct to the best of my knowledge.

I understand that no works will be commenced, by me or my agents on the proposed site, without the prior written consent of the Minister.

By submitting this application form, I agree that the details provided (with personal contact details redacted) are to be published on the Department of Housing website and also that the full information provided including contact details are to be processed and retained by the Department of Housing, Planning and Local Government and shared with all appropriate Prescribed Bodies (as part of the Prescribed Bodies Consultation process) in furtherance of consideration for a foreshore Consent under the Foreshore Act 1933 (and Foreshore Amendment Act 2011).

I give consent to the Minister and his servants to copy this application and to make (a redacted) copy available for inspection and copying by the public. This consent relates to this application, to any further information, or submission provided by me or on my behalf and to the publication of the licence document.

**Signature of Applicant (or his or her Agent):**

\_\_\_\_\_

**Name of above Signatory (block letters):**

\_\_\_\_\_

**Position Held:**

EXECUTIVE ENGINEER

**Date:** 05/01/2021

**Return completed applications to:**

Marine Environment and Foreshore Section  
Department of Housing, Planning and Local Government  
Newtown Road  
Wexford  
Y35 AP90

Enquiries to: [Foreshore@housing.gov.ie](mailto:Foreshore@housing.gov.ie) (Other contact details to be included in Guidance materials)

Email a copy of application documents: [Foreshore@housing.gov.ie](mailto:Foreshore@housing.gov.ie)

## Enclosures Checklist

**One hard copy of every document is required unless otherwise stated. Electronic versions of documentation must also be provided in searchable PDF format (no single file to be greater than 30mb) so that the Department can make them available on its website.**

Item No.	Description	No. of copies Required	
<b>1</b>	<b>Application Form.</b> With original signature	4	
<b>2</b>	<b>Mapping (see guidelines document)</b> (i) Site Location map (ii) Foreshore Lease/licence map	4 4	
<b>3</b>	<b>British Admiralty Chart</b> (largest available scale)	1	
<b>4</b>	<b>Drawings</b> of the structures to be used and/or layout	4	
<b>5</b>	<b>Pre-application correspondence with stakeholders.</b>	1	
<b>6</b>	<b>Other statutory permissions:</b> (i) Planning permission (ii) Effluent Discharge Licence (iii) Other consent (Please specify)	1 1 1	
<b>7</b>	<b>Company documentation (1):</b> Certified copy of the Company's Memorandum and Articles of Association	1	
<b>8</b>	<b>Company documentation (2)</b> Certificate of Incorporation of a Limited Liability, or Company/Rule Book/Constitution for a Club or Co-Operative Society as appropriate	1	
<b>9</b>	<b>Environmental Impact Statement (EIS).</b> (i) Hard copy (ii) CDs	5 25	
<b>10</b>	<b>Natura Impact Statement (NIS)</b> (i) Hard copy (ii) CDs	5 4	
<b>11</b>	<b>Property-related owner permissions/wayleaves</b> (i) Folio – (or other evidence of private ownership) (ii) Wayleave/consent from other property owners (iii) Other (Please specify)	2 1 1	
<b>12</b>	<b>Other – Please specify</b>	1	