

1. Mr Danny O'Brien, HEO

2. Ms. Joan Murphy, AP

3. Mr Roger Harrington, PO

*Donegal 22/2/16.*  
*Approved 22/2/16*  
*23/2/16 Approved*

**Foreshore licence application by Donegal County Council for the provision of a seasonal pontoon and access gangway at Teelin Pier, Co Donegal, to facilitate the transport of visitors to Sliabh Liag, (highest sea cliffs in Europe), Co Donegal. Ref: FS6434.**

**1. Application:**

Approval is sought to grant a licence to Donegal County Council, under Section 3(3) of the Foreshore Act 1933, to provide a pontoon and access gangway at Teelin Pier, Co Donegal.

The purpose of the licence is to facilitate the transport of visitors to Sliabh Liag, Co. Donegal. The pier steps currently in use are not acceptable for passengers boarding any marine leisure craft. Application and map attached at Tab 1.

**2. Public consultation:**

A public notice concerning this application was published in the 'Donegal Democrat' on 16 October 2014. The relevant documents were on display at Donegal Town Garda Station, Quay Street, Donegal, Co Donegal, for the required period of 21 days, see Tab 2.

No submissions were received during the public consultation period.

**3. Delay in Processing:**

Donegal County Council failed to reply in a timely manner to our request of 8 December 2014, followed by reminders on 9 November 2015 and 7 January 2016, for their consent to the specific conditions and valuation. This has resulted in a delay in concluding the application. While initially Donegal County Council sought to install the temporary pontoon and access gangway for the 2015 season, this didn't happen. Donegal County Council now wish to install the pontoon and access gangway for the 2016 tourist season.

**4. Prescribed Bodies Consultation**

Written submissions on the proposal were received from Inland Fisheries Ireland, Marine Survey Office, Marine Institute, Department of Environment, Community and Local Government (Engineering), Department of Arts, Heritage and the Gaeltacht (Nature Conservation and Underwater Archaeology). There were no objections to the proposal.

## **5. Environmental Assessment:**

The temporary pontoon and access gangway will be located adjacent to the eastern boundary of both the the Slieve League SAC (Site Code 000189) and the West Donegal Coast SPA (Site Code 004150).

**EIA Screening:** Screening for EIA determined that the proposal is not of a class that requires the applicant to submit an environmental impact statement. See screening report attached at **Tab 3**.

**Appropriate Assessment Screening:** The Marine Licence Vetting Committee carried out an Appropriate Assessment Screening of the project and concluded that the proposal will not have a significant adverse impact on the Conservation Objectives of the Slieve League SAC or the West Donegal Coast SPA. See report attached at **Tab 4**.

## **6 Marine Licence Vetting Committee (MLVC) assessment and report:**

Considering the nature, scale and location of the proposed project the MLVC concludes that, subject to compliance with the specific conditions set out below, the proposed development would not have a significant negative impact on the marine environment, would not have an adverse impact on other legitimate uses/users of the area and would not have a significant impact on the Conservation objective of any Natura 2000 site. See report attached at **Tab 5**.

### **Proposed Specific Conditions:**

1. The Licensee shall use that part of the Foreshore, the subject matter of this licence, for the purposes and for the duration i.e. 1<sup>st</sup> May – 31<sup>st</sup> September inclusive in each year for which the Licence remains valid, as outlined in the application and for no other purposes whatsoever.
2. A site specific Method Statement and Risk Assessment for the placement of the pontoon and gangway shall be prepared by the Licensee and submitted to Department of the Environment, Community and Local Government for approval prior to the placement of the said pontoon and access gangway.
3. The Licensee shall notify the Department of the Environment, Community and Local Government at least 14 days in advance of the installation of the gangway and pontoon.
4. Safe control, berthing, navigation (access to and egress from), and management of the pontoon facility shall be the responsibility of the Licensee.
5. The Licensee shall ensure that security control measures including signage are put in place to prevent unauthorised public access/encroachment at the facility.
6. The Licensee shall ensure that adequate litter collection facilities are provided to collect all litter and disposal of all litter shall be to a licensed waste disposal site in accordance with the relevant waste disposal legislation.
7. The Licensee shall ensure that at the end of the permitted time period, as specified at Condition 1 above, the foreshore shall be returned to its original condition with the

complete removal of all temporary pontoons, gangway and all associated sinker blocks/anchors/chains. Any storage or stockpiling of these structures on the foreshore post removal is strictly prohibited.

8. The Licensee shall ensure that there is no unnecessary disruption to the continued operation of on-going fisheries interests and any other legitimate uses /users of the existing facilities at Teelin Pier.
9. All works shall be carried out in accordance with relevant Health and Safety legislation.
10. The Licensee shall arrange for the publication of a local marine notice. This local marine notice shall give a general description of operations and approximate dates of commencement and completion. An advertisement in a locally read newspaper shall suffice.
11. In order for charts and nautical publications to be updated the Licensee shall inform the British Admiralty Hydrographic Office at Taunton, UK of the location and nature of the works.
12. The pontoon shall be suitably illuminated at all times.
13. The Licensee shall apply to the Commissioners of Irish Lights for sanction of new aids to navigation and / or alteration to existing aids to navigation.

**7. Financial Considerations:**

It is proposed to [REDACTED] per annum.

**8. Agreement of applicant:**

Donegal County Council have agreed to the specific licence conditions and the licence fee of €635.00 for a five year term.

**9. Recommendation:**

Having regard to:

- the application for a Foreshore Licence;
- the submissions received from prescribed bodies;
- the appropriate assessment of the proposed development under domestic and EU law, including the Birds and Habitats Directives, and its conclusions and recommendations in this regard;
- the screening for environmental impact assessment of the proposed development by the Marine Licence Vetting Committee under domestic and EU law, including the EIA Directive, and its conclusions and recommendations in this regard;

- the environmental assessment of the proposed development by the Marine Licence Vetting Committee ("MLVC") under domestic and EU law, including the EIA, Birds and Habitats Directives, and its conclusions and recommendations in this regard;
- the consent conditions to be attached to the Foreshore Licence, if granted; and

it is considered that:

- the proposed development on the foreshore would not have a significant negative impact on the marine environment and would not adversely affect the integrity of European sites, and
- the proposal is in the public interest.

It is recommended that a foreshore licence be granted subject to the conditions recommended by the MLVC and the financial considerations set out above.

#### **10. Notification of Determination:**

If approval is granted, Donegal County Council will be informed accordingly, an appropriate licence will issue for execution and a Notice of Determination regarding the decision (including the reasons for the decision) will be published on the Department's website.

The Notice of Determination addresses:

- the outcome of the determination of the application;
- the main reasons and considerations for the determination;
- a statement that all relevant documentation on which the determination is based is available for inspection both on the website of the Department and at the Department's Wexford Office;
- confirmation that a review procedure is available before the High Court whereby the substantive or procedural legality of the determination may be challenged, together with practical information on the review procedure.

Submitted, please, for approval to grant a foreshore licence to Donegal County Council for the seasonal installation of a floating pontoon and access gangway.

The Licence with an accompanying cover letter are in the file pocket across for signature, if approved.



Ann Banville  
Marine Planning - Foreshore

19 February 2016