

12 MAR 2014
Dept. of Environment, Community
& Local Government

**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

For Office Use

Application Ref. No. FS 6240

Date of receipt.

1. **A. Name(s) of Applicant(s) in full**
Donegal County Council – Marine Service

B. Address(es) of Applicant(s) in full

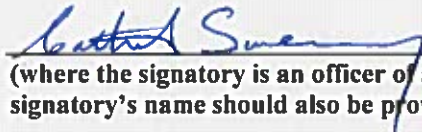
Co. House,
Lifford,
Co. Donegal

Telephone 074 9724481 Mobile 087 2747097

Fax 074 9724496 E-mail cathal.sweeney@donegalcoco.ie

RSI/PPS No./CRO No: N/A

C. Signature of Applicant



Date: 11/3/2014

(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).

**CATHAL SWEENEY
MARINE SECTION
DONEGAL CO. COUNCIL**

D. Name of contact person if different from above

Cathal Sweeney,

Address

Marine Service - Donegal Co. Council,
Public Service Centre, Drumlonagher
Donegal Town
Co. Donegal

Telephone 0749724481 Mobile 087 2747097

Fax 074 9724496 E-mail cathal.sweeney@donegalcoco.ie

* 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)

Paddy McMullin,
McMullin Solicitors,
Donegal Street,
Ballybofey,
Co. Donegal

Telephone 074 9131010 Fax 074 9131484 E-mail bfy@vpmcmullin.com

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).

The temporary placing of 115m long x 2.5m wide floating pontoons and 30m x 2.5m breakwater pontoons in the new harbour basin at Greencastle, adjacent to the breakwater, for the months of July, August and September 2014. The Pontoons and breakwater will be secured to the existing steel piles using brackets with rollers and to the sea bed by means of sinker blocks and chains. Access to the pontoons will be by way of a 13m. long gangway and a pathway will connect the end of the gangway to the Greencastle coastal pathway, which allows direct access to the town.

(B) A Statement of reason for the works As there is limited availability of berthing space in the existing harbour, leisure boats have to be tied in trots of up to eight deep. This causes problems to other harbour users as the shape of the hulls on yachts means that they have a tendency to swing excessively during even minor storm events. In addition to this, there is no provision for disabled access in the existing harbour and provision will be made for disabled access to the pontoons by way of a gangway.

As well as accommodating local boats, the pontoons will also attract visiting boats and sail in company groups. Derry City has secured the hosting of a Stage of The Round the World Clipper Race 2014 and this is expected to attract a large amount of visiting yachts to the area. While the yachts are in port it is intended to operate corporate sailing charters between Derry and Greencastle. Greencastle Harbour is ideally located as a staging post for Derry City being just a three hour sail away. In addition to this, it is expected that local events such as The Greencastle and Moville Regattas will attract large numbers of visiting boats to the area. It is proposed to keep the pontoons in place for the months of July, August and September and remove them there after.

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_ Lough Foyle

(ii) County_____Donegal

Pontoons

Lat. 55deg 12 min. .21sec. Long. -6deg. 59min. 19sec.

Lat. 55deg. 12min. .73sec Long. -6deg. 59min. 18sec.

Lat. 55deg. 12min. 03sec. Long. -6deg. 59min. 23sec.

Lat. 55deg. 12min. 03sec. Long. -6deg. 59min. 24sec.

Lat. 55deg. 12min. 03sec. Long. -6deg. 59min. 25sec.

Lat. 55deg. 12min. .21sec. Long. -6deg. 59min. 19sec.

Breakwater

Lat. 55deg. 12min. 00sec. Long. -6deg. 59min. 19sec.

Lat. 55deg. 12min. .40sec. Long. -6deg. 59min. 17sec.

Lat. 55deg. 12min. 00sec Long. -6deg. 59min. 16sec.

Lat. 55deg. 11min. 59sec. Long. -6deg. 59min. 18sec.

(iv) OS Map No. 73/C

(v) Size (hectares) 0.412 Ha.

(vi) Local Authority Donegal Co. Council

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) _____

(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	Feb. 2007	May 2012	July 2013
(ii) Reference number(s)	MS51/15/661	MS51/15/689	FS005894

5. Is all or any part of the Foreshore (the subject of this application) in private ownership?
(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.

No _____

Have adjacent land owners, whose properties may be affected by these works been consulted?
Please provide details/permissions as appropriate.

Donegal Co Council is the Harbour Authority for Greencastle Harbour. The pontoons are to be placed in the new harbour, under construction and will be within the boundaries of the site. There are ongoing consultations with adjacent land owners.

6. Employment Implications (if any) None

7. Capital cost of proposed works (€ - Euro) 50,000

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

No _____

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

Public use only. The new pontoons will provide berthage for local boats as well as for visiting boats.

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

There will be no effluent discharged from the proposed structure. There will be no removal of derelict structures. The pontoons will be operated in accordance with The Greencastle Harbour Safety Statement. A site specific Method Statement and Risk Assessment will be prepared by Donegal Co. Council prior to the placement of the pontoons.

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

There will be no significant impact on navigation and the Greencastle/Magilligan Ferry will not be disrupted. The new pontoons will be managed by the Harbourmaster in Greencastle and the area they occupy are within the harbour limits of Greencastle which is governed by The Donegal County Council (Certain Harbours) Bye-Laws 2010.

1. What marine activity is there in the area?

Principally commercial fishing and seasonal leisure activity

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

There will be no significant impact on marine activity

3. What mitigating measures will be put in place?

It is intended that the new facility, if granted, will be used for leisure craft only which will separate commercial and leisure activities, resulting in a more orderly use of the harbour facilities.

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

There will be no significant impact on marine navigation in the future as a result of the placement of the pontoons. No additional Aids to Navigation will be required.

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

There may be small quantities of ship generated waste in the form of domestic waste

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

There is a waste disposal facility in the main harbour which is documented in the Council’s Waste Reception Plan which was last updated in Apr. 2013

**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.

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 Agriculture, Fisheries and Food. 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:

**Foreshore Unit
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 hectareage 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 N° 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: **Foreshore Unit
Department of Environment, Community and Local Government
Newtown Road
Wexford**