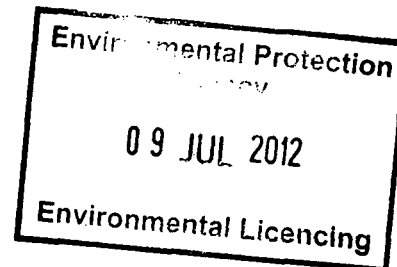


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Ms. Noeleen Roche
Programme Officer
Office of Climate, Licensing & Resource Use
PO Box 3000
Johnstown Castle Estate
Co. Wexford



18th May 2012

Re: Drogheda Port Company, application for a DAS License, Ref No. S0015-02

Dear Ms. Roche,

Many thanks for your assistance with my queries in relation to the above and I now ask that this submission is included as part of the EPA decision making process. I wish to state that I am a member of Coastwatch Europe and I fully support their application and I see my submission as complementing theirs.

The eco-system from Ben Head in Gormanstown to Clogherhead has been in equilibrium for centuries, or rather was, until Drogheda Port Company (DPC) undertook 2 significant developments.

- The construction of the training walls at the mouth of the river in the late 60's / early 70's, and
- The Capital Dredging of the river and seaward approaches in 1999.

Both of these developments have had a major impact, which in some cases are threatening the houses of Coastal communities and indeed the viability of the beaches themselves.

DPC admit that the training walls are now being bypassed (on the Meath side) and sand is now going directly into the river channel under certain weather conditions. The main impact is that, this has resulted in significant changes to the beach at Laytown, where whole areas have been stripped of their sand. This has allowed the sea to attack certain dwellings with full force, and has led to the necessary erection of Coastal protection measures. Another casualty in the making, is the famed Laytown Races, whose actual existence is under serious threat as whole areas of sand has been removed adjacent to their "racetrack" and a rocky sub layer has been exposed which is a serious threat to the safety of the horses.

Because of the nature of the movement of the sand northwards along the coast, Laytown has been the first area to be affected. However, there are now many

indications that significant changes are occurring North of the training walls, i.e. on the County Louth side.

Submission No.1

Because of the foregoing, I request that an Independent survey is undertaken into the full impact of the previous works undertaken by DPC on the coastlines of Counties Louth and Meath from Clogherhead to Gormanstown and the likely impact of the proposed removal of 60,000m³ annually from the Coastal Zone. This independent report would then be used as the basis for any decision on the application. I wish to point out that DPC either ignore or minimise these impacts in their application.

I now wish to look at certain aspects of the DPC DAS application. (for reference, I am treating their application as a single document, (258 pages). I will refer to individual pages)

P.31

Relevant findings from studies undertaken to examine alternative disposal options are:

Disposal on north beach as dune creation. Not environmentally/ecologically acceptable as the area is designated as Special Protection Area (SPA), proposed Natural Habitats Area (pNHA) and candidate Special Area of Conservation (cSAC). Of particular concern is a Little Tern breeding colony at this location.

Also from P. 31

While the silts and mud's have no re-use or beneficial value, Drogheda Port have over the period of the previous 5 year permit being placing some sands from the bar and approach channel onto the north near shore Dumpsite A2 (see Figure 1 in Attachment E1.1), subject to suitable tides, weather conditions and dredger manoeuvring restrictions, to assist in beach nourishment. This was a recommendation of the Drogheda Port Company Five Year Maintenance Dredging Programme, September 2001 (see Attachment B1 - Kirk McClure Morton Report, 2001).

The above would appear to be a contradiction and no details of the amounts deposited and/or its impact has been given.

Submission No. 2

DPC to provide an explanation and full details as per above.

P. 32

Entrance and Seaward Approaches

Material at the river entrance and seaward approach is primarily sand with some gravel.

This material is suitable for beneficial re-use for the construction industry provided the quantities to be dredged are large, economics of scale can be applied and market conditions are suitable. Specialist dredging and shore side handling equipment is usually required for this. This type of beneficial re-use is generally more suited to capital dredging where fresh material is being dredged rather than deposition of suspended material for which maintenance dredging is required.

However following detailed investigation and in line with the requirements of condition 'R' of Permit No. 387 (see Attachment A7), over the past 24 months in conjunction with an aggregate company, Drogheda Port has been trialling beneficial re-use of the material from the river mouth and seaward approaches, with a proportion of this dredge material going into the construction industry. As a core principal this is not considered or promoted as aggregate dredging. Dredging at the river mouth and seaward approaches is primarily in response to sediment accretion caused by weather events, i.e.

south east and north east gales when accelerated sediment accretion impacts immediately on safe navigational depths. Natural accretion occurs over a longer period. Since July 2010, 94,470m³ of material has been taken ashore as part of this beneficial re-use trial. This is only a portion of the total material dredged from the river mouth and seaward approaches, the balance going to the seaward dumpsite. The river mouth and seaward approaches dredging and beneficial re-use project trial are tied together, generally in response to weather events. If this beneficial trial was not being operated then all the material from the river mouth and seaward approaches would be destined for sea disposal. The Environmental Protection Agency has been appraised of this trial which is still on-going.

Red emphasis is mine.

In essence, When this page is taken with other elements of their application then DPC are looking for a License to extract and sell 60,000m³ (almost 100,000 tonnes) of sand annually.

The above position of DPC is a joke as they have known for a long time (since their Capital Dredging programme) that dredged material can be commercially exploited. It is stretching credibility to the limit to describe their current activities as a trial, which commenced in July 2010 and would have continued until March 2013, until the intervention of Coastwatch Europe. Does it really take the extraction of 94,470 m³ (150,000 tonnes) of sand for a trial!!!, when will someone wake up and see that this is pure commercial exploitation dressed up as a trial. I have been told that 1,000 tonnes would have been sufficient to see if the sand could be of commercial benefit to Kilsaran Concrete Products. Furthermore, if DPC had continued to extract the sand at their current rates then some 277,000 tonnes would have been extracted. However, their own figures indicate that they were increasing the rate of extraction until they were stopped. Finally, it would appear that this activity was undertaken without the required permits/licences and with the full knowledge of the EPA, who did not seek to intervene at any stage.

The Port Company has been operating without a Foreshore Licence, taking 151,152 tonnes out of the Boyne system over two years. The EPA website advises that a Foreshore Consent is required for activity such as this. It is globally understood that to have a licence and operate within it would be 'legal', the opposite would be the case were the appropriate licences not in place or operated to.

<http://www.environ.ie/en/Foreshore/ConsentProjectTypes/>

"The following is an indicative list of the types of projects that require a foreshore consent (lease, licence or permit) from the Minister for the Environment, Community and Local Government

- *Aggregate & mineral extraction development on the foreshore*
 - *Extraction of sand*
 - *Extraction of gravel, minerals"*

When Coastwatch became aware of the inappropriate/lack of licences by DPC, they, and local Representation raised this issue with the appropriate authorities and the dredging of materials for sale which had been in operation over the past 2 years was halted in May 2012.

Their application seeks to legitimise this heretofore illegal/unapproved (see above) activity.

I also understand that DPC intent to lodge an application for a Foreshore License shortly.

Submission No. 3

Because of the foregoing, I contend that no decision can be made by the EPA until the Foreshore License application has been made and that both applications are treated as one, although separate statutory bodies are involved. Both applications are mutually interdependent.

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SECTION D – IMPACT ON THE RECEIVING ENVIRONMENT

D1 – Assessment of impact on the environment

This deals mainly with Dump site A1

Submission No. 4

Attachment B4 "Annual Quantities Actually Dredged 2001 – 2011", is reworked to show the actual amounts dumped at each of the 3 Dumpsites A1, A2 and A3. per Dredging campaign. Please note that Attachment B4 contains a number of inaccuracies (minor in nature) and should be rectified when reworked as per above.

Attachment D6: Drogheda Port Company, Boyne Entrance Channel Dredging. Impact on Sediment Cell (RPS, 2012).

This appears to be missing

Submission No. 5

Please check that all stated attachments are present and supply Attachment D6 in particular.

Submission No. 6

Do the proposed works come under the following legislation?

Waste Management Acts, 1996 to 2003

Waste Management (Permit) Regulations, 1998 - S.I. 165 of 1998

Submission No. 7

Would DPC not require a temporary Storage License for the storage of the sand on the quayside at Drogheda Port, before transfer?

Conclusion

I fully accept that Maintenance Dredging must happen to keep the Port open. However, it appears that the amounts being dredged are high due mainly to their previous undertakings. Their activities are having a significant negative and detrimental effect on the adjacent coastline. Their current proposed removal of large amounts of sand from the Coastal zone will exacerbate this bad situation and I ask that their application is refused.

Yours sincerely,

Declan Collins

Declan Collins

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The current authorized signatories for the Bremore Ireland Port current account are Mr. M Coyle and Mr. P Fleming and both signatures are required for all cheques.

It was proposed that Mr. Sean Gallagher would be added to the authorized signatories and any two of the three signatories to authorize a cheque.

112.10 Dredging Update & Review

Capt. M. Donnelly gave a short presentation on the historical and current dredging activities of the port company. The presentation detailed the regular maintenance dredging locations within the port, annual quantities and expenditure over the previous decade, weather impacts, licensing requirements, environmental issues, ship size increase and draft requirements, tender process and contractual relationships. He advised the Board that the recent downturn in tonnage throughput had seriously impacted on the company's ability to pay for ongoing maintenance campaigns particularly at the bar and that a lack of maintained depth on the bar undermined the ports ability to attract and maintain tonnage throughput and customer confidence. Capt. M. Donnelly advised the Board of the companies drive to exploit the beneficial use aspect of its licence. In partnership with Kilsaran Concrete Ltd a trial dredge recovery campaign had taken place mid summer where circa 24,500 cubic metres had been taken ashore for beneficial re-use within the construction industry and that bar depths had been restored. Subsequent trial campaigns are planned. Capt. Donnelly advised the Board that the legal vehicle under which we are exploiting beneficial re-use is somewhat unclear but that we had no choice but to use what ever means at our disposal to maintain the bar mouth and approaches to the port. With beneficial re-use our dredging becomes a cost neutral operation visa via an expenditure of circa €150/200k per campaign which is un-sustainable. Dredging licensing has as of the 15th February 2010 transferred to the Environmental Protection Agency and we have opened up a line of communication with the Agency with a view to our next licence application. Our current licence is due to expire in February 2013. Capt. M. Donnelly advised that the particular item of dredging plant that we have contracted to dredge the bar mouth and approaches and land material ashore is not suitable for all dredge material types and that additional plant will be required for the berths at Tom Roes Point (TRP) and ship swing basin. Dredging this will be at full cost to the company. The berth depths and ship swing basin dimensions must be maintained to cater for the large vessel and vessels that must stay afloat.

Appendix 4

Mr. F. McHugh Arrived

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