

Eve O'Sullivan

Subject: Dumping at sea licence Ref: S0019-01
Attachments: FS0019-01.pdf; ATT00001.txt; ATT00002.htm

From: Manager Dau [mailto:Manager.Dau@ahg.gov.ie]
Sent: 16 January 2014 16:04
To: Wexford Receptionist
Subject: Dumping at sea licence Ref: S0019-01

A chara,

Attached please find the nature conservation recommendations of the Department of Arts, Heritage and The Gaeltacht for the above mentioned licence application.

Mise le meas,

Simon Dolan
Development Applications Unit
Department of Arts, Heritage and The Gaeltacht
Newtown Road
Wexford

tel: 0539117377



*An Roinn
Ealaíon, Oldhreachta agus Gaeltachta
Department of
Arts, Heritage and the Gaeltacht*

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An Roinn
Ealaíon, Oidhreachta agus Gaeltachta

Department of
Arts, Heritage and the Gaeltacht

Dumping at Sea Licence Ref: S0019-01

(Please quote this reference in all related correspondence)

16 January 2014

Anne Kehoe
Programme Officer
EPA
Johnstown Castle
Wexford

Re: Notification to the Minister for Arts, Heritage and the Gaeltacht under Article 28 of the Planning and Development Regulations, 2001.

Proposed Development: Reclamation of approximately 1.30 hectares of foreshore at the East Jetty in Foynes Port.

A Chara

On behalf of the Department of Arts, Heritage and the Gaeltacht, I refer to your authority's notification in relation to the above.

Outlined below are the observations and recommendations of the Department in relation to nature conservation.

All cetaceans are listed under Annex IV (including those in Annex II) of Council Directive 92/43/EEC. Accordingly, under Article 12 of that Directive, it is an offence to deliberately capture, disturb or kill a cetacean or take actions that result in deterioration or destruction of their breeding sites or resting places within Ireland's Exclusive Economic Zone. Furthermore, dolphin species, porpoise species, seal species, and whale species are protected wild animals under the Wildlife Amendment Act and it is an offence to wilfully interfere with or destroy the breeding place or resting place of any protected wild animal. With reference to the above provisions, This Department would recommend to the Competent Authority that the following mitigating measures be attached to the consent to ensure that there is no risk to marine mammals from the proposed development and to ensure that there is clarity for the operator during operations:

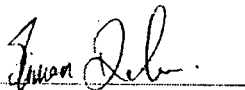
1. A qualified and experienced marine mammal observer (MMO) shall be appointed to monitor for marine mammals and to log all relevant events using standardised data forms available to download from <http://www.npws.ie/marine/bestpracticeguidelines/>. The operators may wish to consult "Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters" published in December 2013 for guidance on the potential effects of sound producing activity in the marine environment.
2. Dumping-at-sea activity shall not commence if marine mammals are detected within a 500m radial distance of the disposal vessel, i.e., within the Monitored Zone.

3. Dumping activities shall only commence in daylight hours where effective visual monitoring, as performed and determined by the MMO, has been achieved. Where effective visual monitoring, as determined by the MMO, is not possible the activities shall be postponed until effective visual monitoring is possible.
4. An agreed and clear on-site communication signal must be used between the MMO and the Works Superintendent as to whether the relevant activity may or may not proceed. It shall only proceed on positive confirmation with the MMO.
5. The MMO shall conduct pre-start-up constant effort monitoring at least 30 minutes before the sound-producing activity is due to commence. Sound-producing activity shall not commence until at least 30 minutes have elapsed with no marine mammals detected within the Monitored Zone by the MMO.
6. This prescribed Pre-Start Monitoring shall subsequently be followed immediately by normal disposal operations. The delay between the end of Pre-Start Monitoring and the necessary full disposal output must be minimised.
7. Once normal dumping-at-sea operations commence, there is no requirement to halt or discontinue the activity if weather or visibility conditions deteriorate nor if marine mammals occur within a 500m radial distance of the sound source, i.e., within the Monitored Zone.
8. Full reporting on MMO operations and mitigation undertaken must be provided to the Regulatory Authority and to offshore@ahg.gov.ie within one month of the completion of works.
9. In addition the operators may wish to consult "Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters" published in December 2013 available to download from <http://www.npws.ie/marine/bestpracticeguidelines/> in relation to dredging operations that may occur through separate consenting processes.

The acknowledgement to this letter, any further information and the planning authority's decision should ideally be sent to manager.dau@ahg.gov.ie; if this is not possible, correspondence may alternatively be sent to:

The Manager
 Development Applications Unit
 Department of Arts, Heritage and the Gaeltacht
 Newtown Road
 Wexford

Is mise, le meas



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