



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

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29 APR 2014

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Initials: _____

Dumping at Sea Licence Ref: S0012-02
 (Please quote this reference in all related correspondence)

16 April 2014

Anne Kehoe
 Programme Officer
 EPA
 Johnstown Castle
 Wexford

Environmental Protection Agency Licensing
Received
16 APR 2014
Initials _____

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

Proposed Development: Dumping at sea licence application by Port of Waterford Company.

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.

As noted in the previous submission from this Department, 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.

Where it is evident that a significant risk may exist from operations it is beholden on the proponents of the plan or project to demonstrate that the risk can be managed or removed from consideration to ensure compliance with operating legislation. This is frequently completed by means of a risk assessment and the Department of Arts, Heritage and the Gaeltacht would recommend that such an evaluation is completed by an appropriately qualified marine mammal ecologist to ensure that appropriate advice and support is received by the proponents. Scoping is also seen as a beneficial exercise by this Department prior to the development to ensure that all necessary environmental interactions are adequately examined. The original documentation received from agents on behalf of Port of Waterford Company was deficient in examining the range of potential interactions with the environment and on that basis mitigation was requested to eliminate the potential for negative interaction.

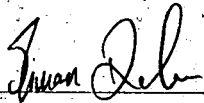
It is acknowledged that further information has now been received on behalf of Port of Waterford Company. This risk assessment report has collected and collated additional data and now indicates low incidence of marine mammals within the vicinity of the proposed disposal area. It further shows that the operations are temporally separated from the greatest incidence of cetaceans in the vicinity of Hook Head. Complementary information is included that indicates the low vessel speed and short duration of disposal operations would reduce the potential interaction.

On the basis of the additional information supplied by Port of Waterford Company, the Department of Arts, Heritage and the Gaeltacht is satisfied that at this location there is a low risk of potential negative interaction to marine mammal species from disposal of dredge spoil operations.

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



Simon Dolan
Development Applications Unit
Tel: 053-911 7377

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Ann Kehoe

From: Wexford Receptionist
Sent: 16 April 2014 15:17
To: Licensing Staff
Subject: FW: Dumping at sea licence application S0012-02
Attachments: EPAS0012-02.pdf; ATT00001.txt; ATT00002.htm

Rec'd at info

*Ann Rochford,
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From: Manager Dau [<mailto:Manager.Dau@ahg.gov.ie>]
Sent: 16 April 2014 15:10
To: Wexford Receptionist
Subject: Dumping at sea licence application S0012-02

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



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Department of
Arts, Heritage and the Gaeltacht

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