

Patrick Doyle

From: Licensing Staff
Subject: Submission No 694 Deirdre Tobin
Attachments: EPA Submission ~ Aug '15.doc; Seal Sanctuary statement.doc

From: Deirdre Tobin [mailto:clontarf.res.assoc@gmail.com]
Sent: 30 August 2015 21:07
To: Licensing Staff; Wexford Receptionist
Subject: Dumping at Sea Licence Application (S0024-01)

To whom it may concern,

Please find attached two documents concerning the current Dublin Port Dumping at Sea Licence Application (Ref. No. S0024-01)

(1) Letter from Clontarf Residents' Association and

(2) Statement by Mr. Brendan Price of the Irish Seal Sanctuary which was presented to the Bord Pleanala Oral Hearing (reg.no.PL29N.PA0034)

Hard copies of both documents will be sent to you by registered post tomorrow 31st August.

Yours faithfully,

Deirdre Tobin,
Chairperson, Clontarf Residents' Association

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c/o 35 Castle Avenue, Clontarf, D, 3.

31st August 2015

Re: Application by Dublin Port for Dumping at Sea Licence
Reference No. S0024-01

Rockabill to Dalkey	SAC	EU code 003000
Lambay Island	SAC	EU code 000204
North Dublin Bay	SAC	EU code 000206
South Dunlin Bay	SAC	EU code 000210
North Bull Island	SPA	EU code 004006
South Dublin Bay & Tolka	SPA	EU code 004024

Dublin Bay is also a Natura 2000 site
Dublin Bay is now also a UNESCO biosphere reserve site

Water Quality *"The deterioration in water quality within the cSAC is evaluated as being potentially significant as direct damage to the physical quality of the environment in terms of water quality may directly and indirectly affect the qualifying interests of the cSAC. "*

"Accidental spillages of polluting substances which could affect benthic fauna [a community of organisms that live on, or near the sea bed] & water quality or features of interest both habitats and species would be potentially significant should an incident occur."

Source: Dublin Port EIS (reg.no.PL29N.PA0034)

The Marine Strategy Framework Directive (MSFD)

(The granting of this licence would be contrary to the stated objectives of this directive).

The Marine Strategy Framework Directive is a major piece of EU legislation that requires Member States to achieve good environmental status (GES) in the marine environment by the year 2020 at the latest.

Good environmental status in the marine environment means that the seas are clean,

healthy and productive and that human use of the marine environment is maintained at a sustainable level.

The Directive requires an assessment to be made of our marine waters against an agreed set of standards across a number of important environmental areas (e.g. biodiversity, fish stocks, and contaminants). Once the assessment is made, appropriate environmental targets and indicators must be established and programmes of measures be put in place to achieve GES.

Protection of Harbour Porpoise:

The plan is to dump the material, some of which is moderately contaminated, at Burford Bank.

This is an area used by the harbour porpoise, an animal protected under EC habitats directive (92/43/EEC).

The dumping is planned for day and night in all weathers. The best practice for dumping at sea is to dump only in winds of less than force 4 and in daylight. The reason for this is that a mammal observer on the barge would be able to spot Seals, Dolphins or Porpoise at the dump site which is a recognized foraging ground for them.

Protection of Marine life:

It can be expected that all life on the Sea floor for the 10.32 Km of the Fairway / Sea Lane would be killed/wiped out.

Similarly, at the dumpsite, all life would be wiped out and with little chance of re-colonisation as the process would be repeated each year when dumping recommenced. Recovery time is all that is discussed in the EIS document none of the dead sea life (flora and fauna) will recover.

The materials to be dumped are called Sands and Muds, the mud will form a plume and envelope the entire bay as the dumping is planned for all states of the Tide and all weathers 24/7 there will no recovery time at all. Neither would the required Mammal observer be able to 'observe' due to the lack of visibility if dumping were to take place at night time or under adverse weather conditions.

This would add to the damage already done to the sea bed by scouring during the dredging. Each barge is likely to hold about 3,000 tons of material when fully laden. To dump, the floor of the barge drops away in the middle and the entire content leaves the barge very rapidly falling down to the sea floor. It is inevitable that all life in the water including passing shoals of fish will be wiped out.

No Proper Consideration to Alternatives:

The applicant must satisfy the EPA that there is no suitable alternative means of disposal At the Oral hearing of An Bord Pleanála (reg.no.PL29N.PA0034)

Witness statement of Mr. Donal Doyle on behalf of the applicant Dublin Port Company
Response: *'Given the large volume of slightly/moderately contaminated material, the cost associated with land filling and/or export would be prohibitive and the energy*

consumption associated with exporting the material would be significantly greater than the sea disposal

Capacity within Graving dock Nr. 2 and Berth 52/53 is limited and will be largely used by the dredging from Alexander Basin....Hence no further capacity for contaminated material. Based on the above analysis, the dumping at sea and overlain with dredged gravel is considered the most appropriated method for dealing with this material'.

We would argue that it would not be 'best practice' to dump contaminated material (however mildly contaminated) in Dublin Bay – a UNESCO biosphere reserve site and the economic cost should not be a deciding factor. It must be possible to find an alternative site outside the immediate area of Dublin Bay whether it be on land or further out to sea.

Change in the topography

There has not been adequate study, research or consideration on how much of the 10-12 million tonnes of material planned to be dumped will end up inside the Bull Island possibly blocking up Sutton Creek and the channel itself. The channel called the Blue Lagoon / Sutton Creek between Bull Island and the roadway Clontarf Road to James Larkin road and finally Dublin Road is silting up at an alarming rate. It is only now that people are beginning to see the relationship of the dumping in the Bay and this silting up. It is possible that the dumping of such a massive amount of material could close in the Lagoon from the sea altogether. It has been observed that large amounts of sand or excess sands in Dublin Bay builds up on the Bull Island and it is also building up inside in the Blue Lagoon.

In 2012 Dublin Port did maintenance dredging and dumped 1 million tonnes there. They checked the site in 2013 and only 15% of the material remained there, 850,000 tonnes had been swept off by wave and tide. How much of this ended up inside the blue lagoon / Sutton creek no one knows. Virtually none of the 6.9 million Cubic Meters - 10 to 12 Million tons will remain on the dumpsite. It is properly called a dump/dispersal site.

Altering Tidal Pattern.

This large scale dredging and dumping of material at sea, so close to the coast indicates there is real potential for serious altering of tidal pattern.

Flooding:

The altering of the tidal pattern, combined with the effects of climate change, could add to the dangers of more frequent flooding as the EIS states that there will be increased wave overtopping on the Clontarf promenade by Dollymount. There is also potential for increased flooding on the banks of the River Liffey.

"Major channel deepening works in the approach to Harwich Harbour has altered the sediment transport regime (HR Wallingford & Posford Duviver Environment 1998).

The capital dredge increased siltation in the harbour, which subsequently reduced the amounts of sediment input into the Stour/Orwell Estuaries and increased the requirement for maintenance dredging. The net effect is to increase mudflat and saltmarsh erosion in the estuaries, with adverse effects on intertidal morphology. In this case the capital dredge has created the conditions for increased erosion, which is sustained by the regular removal of sediment from the harbour for disposal at sea".

"Capital dredging operations in an estuary may permit a saltwedge intrusion to travel further upstream than previously, increase shoreline wave action, change tidal range, tidal currents, suspended sediment load and suspended sedimentation in areas away from the deepened part of the river (PIANC in preparation). The hydrodynamic changes and their effect on sediment erosion, deposition and transport may cause secondary geomorphological changes away from the dredge location, including the potential erosion of intertidal areas.

These processes are affected by the sea bed sediment characteristics, underlying geology and, particularly on mudflats, the flora and fauna".

Note: Potential for erosion at other sites:

http://www.ukmarinesac.org.uk/activities/ports/ph5_2_17.ht

We urge you to take the points raised in this submission into consideration when making your decision on this application.

We are also attaching a copy of the statement by Brendan Price of the Irish Seal Sanctuary which was read into the record at the Oral Hearing (PL29N.PA0034).

Hard copies of all to follow by post tomorrow.

Yours faithfully,

Deirdre Tobin
Chairperson Clontarf Residents' Association

For Whom it Concerns,

I'd appreciate this presentation, below being read into the record, by Clontarf Residents Association. I was surprised at such late stage to be asked for advice by stakeholders in current ABR, Bord Pleanala, Oral Hearing and RFI and further concerned to be advised the Irish Seal Sanctuary (ISS) was cited as though giving credence to "non-facts" and impression that seals were a passing presence, merely using the Bay as haul-out and were at no significant or adverse risk by ABR. Nothing could be further from the "facts" and this is at variance with the consultants and NPWS own limited findings on very limited data and observation and wholly at variance with what the ISS or myself representing it, would contend. Indeed we'd heartily concur and even add to their monitoring recommendations on the further information we are happy to provide.

Indeed, were we contacted, we would have been pleased to provide this earlier, identify and address the data deficits and advise on mitigation measures..... We still would!

However this hearing is at such a crucial stage, and with no disrespect to the company and its consultants, it is most important the ISS is not perceived to mislead or give false comfort to any party and most especially Bord Pleanala on the threats/impacts for seals and the ecosystem supporting their presence in the Bay. The ISS is grateful to the Clontarf Residents Association for their RFI response to correct misleadingly attributable advices, unsupported by ISS. A summary response for RFI follows, I thank the stakeholders, who responded and trust this of assistance to all.

ABR and RFI.....Dublin Port Development ...Impact on seals and other creatures???

Data deficits?????

The NIS, EIS, Avian Impact Assessment, Marine Mammal Impact Assessment et al are extremely confined by their scoping (Dublin Port, Shipping Channel and Dredge Disposal Site), as though a line could be drawn around the development and beyond it unaffected by plume, sediment transportation, silting, accretion, turbidity and light dilution with knock on effects for re-colonisation, recovery of benthos, fish nurseries and up the ecosystem. The experts consulted as much as agree with this and point to the limited survey data and timeline throughout. For the marine mammals this is greatly understated. If a line indeed was to be drawn, it should encompass the UNESCO site, SPAs (Special Protected Areas) and proposed MPA (Marine Protected Area). Bord Pleanala (BP) are correct to seek further information and indeed the responses still fail to address data deficits. This development is not confined by the Liffey Walls and spoil site but at the heart of the 3 estuaries and Bay, all of which will be affected by the outfall and limited mitigation measures.

As to the seals, the Irish Seal Sanctuary (ISS) though cited, was not invited by the developer to contribute. Statements such as, "There are only a relatively small number of seals that regularly use Bull Island as a haul -out" and development "will have no long term, significant adverse effects" on seals et al. can not be cited as "fact" when in the 1st instance both species are observed all year round and with pups present and in the latter ongoing observations of disturbance demonstrate how flighty they can be. It would be highly significant, were they to disappear from the Bay or any part of it. As for so many species cited in the UN Global Biodiversity Outlook 4 they are holding to all remaining habitat and all remaining is important. City residents and visitors also hold these wild neighbours and hold them in great affection and esteem. Their ongoing presence, of inestimable value in conservation terms, can only be a point

of interest and engagement for cruise visitors entering the Bay and Port. The snap shot sightings and observations cited in the studies are no substitute for long sought, year round monitoring and at variance with the experience of year round observers. This is reflected in the consultant's recommendations for ongoing monitoring and a pre-works baseline needs be established in first instance.

The presence and activity of seals in the Bay is year round and they are a highly significant, mixed colony, recorded from the time of the Rothschild reports a century ago. Dalkey Island holds the first recorded remains of Grey Seals (World's 1st Protected Species) for Ireland. The seals are a year round, long recorded presence....feeding, breeding and hauling out, very vulnerable to disturbance and further loss of habitat. They are highly significant residents of UNESCO site, only one of it's kind within confines of capital city and linked to the greater Dublin Bay community. Any disturbance must be regarded with concern, closely monitored and subject to review and mitigation. It is significant the dredging schedule fails to note their October to March breeding season and presence of growing pups, whose mortality is highest in this period. Sea going smolts are noted but not returning salmon or presence of lampreys. It is incorrect to dismiss the seals as a small, part time presence in the Bay arising from insufficient survey and monitoring.....absence of evidence is not evidence of absence and you will find the experts and NPWS agree with me on data deficiency and I heartily concur with them on their recommendation for Marine Mammal Observers (MMOs) and would propose this be increased year round (not just during works but for recovery periods also) to extend to a full time ecologist for the lifetime of the project with additional conservation rangers in each L.A. area. Seal observations are better undertaken by human recording network than technology. In budgetary terms this is minuscule and is the least acceptable level of monitoring and mitigation....far preferable to "professionals differ, good projects (or seals etc.) die!"

I have adressed my observations largely at the seals, in some ways perceived as robust and resilient residents of the Bay, fragile in others....and as indicator species of benthos, water quality, disturbance etc., they certainly merit closer consideration and monitoring. The risks they highlight and adequacy of mitigation measures to be tested, further underline their importance. The EIS, NIS and associated wildlife "studies" are disjointed, stand alone, expert opinions.....informed and valuable in their own right but the report fails to adopt an ecosystem approach to ABR or respond adequately to BP's RFI or mine. The Precautionary approach would indicate further information and better mitigation/contingency planning required. The consultants reports reflect the scientific literature on the local seals and the paucity of information entered it. Indeed how were they to know of the wealth of information with the Irish Seal Sanctuary, Dublin City Council, Sutton Dinghy Club, Clontarf and other residents. The ISS and Bull Island manager have rescued orphaned and injured pups (mostly whitecoats or weaned greys) almost every other year for 30 years from the island, a succession of three hydrocephalous common seals, a common seal only last month etc. The Island has been the venue for many seal releases over the years engaging and educating the public. The Port Company has assisted in rescues on the river and indeed mainly pups taking up temporary residence have been kept under surveillance and monitored for us by Garda cameras. There appears to have been a disconnect between the Company and other stakeholders, depriving the consultants of information and giving rise to An Bord Pleanala's RFI, which Clontarf Residents Association have corrected to benefit of all and proposed development. It is most important adequate conditions attach all developments potentially impacting the seals and other wildlife.