

## Eve O'Sullivan

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**From:** kdubsky@coastwatch.org  
**Sent:** Friday 3 June 2022 20:07  
**To:** Licensing Staff  
**Subject:** Coastwatch submission re Waterford Port dredge license tech amendment application S0012-03  
**Attachments:** Coastwatch submission waterford port.docx

Dear Licensing section

Please find the Coastwatch submission re Waterford Port dredging application attached.

Very best

Karin



Coastwatch

Hosted by

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To: Environmental Licensing Programme,  
Office of Environmental Sustainability,  
Environmental Protection Agency,  
PO Box 3000,  
Johnstown Castle Estate,  
County Wexford.

3 June 2022

**Re: Application submitted by Port of Waterford Company for a technical amendment to their existing permit S0012-03 under s.5(4) of the Dumping at Sea Acts.**

To whom it concerns,

Coastwatch objects to this technical amendment application on the following grounds:

1. A dumping at sea permit application process commenced on 3 February 2022. The applicant proposes to commence dredging in accordance with the revised permit on 01 July 2022. It appears that a newspaper notice was published in the New Ross Standard on 16 February 2022, but none was published in a national newspaper or in papers circulating on both sides of Waterford Estuary. Coastwatch did not see that newspaper notice.
2. A second public notice was published on 4 May 2022, again in the New Ross standard and well outside the 21 day period specified in s.5A(1) of the Dumping at Sea Act 1996 for the dumping at sea permit application and more than halfway through the developer's timeline for the process. Again not published in a newspaper circulating on both sides of the estuary either. Coastwatch did not see it and was informed about it by a third party fisherman.

3. The second public notice has been reworded as an application for a 'Technical Amendment'. There is no provision in the Dumping at Sea Act 1996, as amended, for a so called 'technical amendment'. The public has not been informed that the Port of Waterford Company has commenced a process for an 'amendment' of their existing permit S0012-03. As far as the public is concerned, the developer is merely asking the Board to amend the permit on the basis of a 'technicality'. This is far from the facts of the situation.
4. It needs to be made clear to the public whether the first application is to be withdrawn or continued. Parties who have already made submissions on the first application ought to be invited to make submissions on the second application because in the circumstances they are unlikely to be aware of the change in status of what is being applied for.
5. The maps incorporated into both advertisements are of a scale that is not legible for most members of the public. The port company should have published a 2 page notice for the maps to have any meaning. The maps are headed 'all existing and proposed dredging/ dumping areas'. From this the public can only conclude that the Waterford Port Company has abandoned its disposal site between Swines Head and Hook Head, which is not indicated on the maps published on the public notices. This abandonment of the dumping grounds should be confirmed in any permit issued by the Agency.
6. What seems to be apparent from the map on the public notices is that the proposal of the port company is not in fact an amendment of the existing permitted area but an *expansion* or *extension* into entirely new areas. This ought to be considered by the Agency as a permit application, not an amendment to an existing permit, or, as advertised, a technical amendment of an existing permit. The port company has no existing permit for the significant areas it is proposing to expand into.
7. It is proposed to dredge and dump waste material from the existing areas and the new areas *in situ* by plough from now on. Again, it should be confirmed that the disposal site between Swines Head and Hook Head has been abandoned, which is the only conclusion that the public could come to from reading the notice.
8. Any abandonment of the disposal area should be informed by an underwater inspection by the Agency.
9. If it is not proposed to abandon the disposal site between Swines Head and Hook Head, and if it is intended that material dredged from any of the areas depicted on the maps notified to the public on the published notices is to be deposited in the disposal site, then the notices would appear not to comply with s. 5A(2) of the Dumping at Sea Act requirements for what should be published.
10. There is no Environmental Impact Assessment Report. This project requires a mandatory EIA, pursuant to Annex II paragraph 2(c) and Annex II paragraph 11(b) of

the EIA Directive as it is both a dredging operation and a waste disposal operation, within the meaning of the Directive, and is already having significant impacts on the environment.

11. This is in an area which has an unusual wealth of biota and habitats due to its geology sheltered and exposed areas and range of sediments. It is a designated shellfish water a spawning and juvenile grounds for many species including protected fish species which are in poor condition like Twait Shad. The Natura 2000 sites are not in favourable conservation status either. Further out the estuary there are important spawning grounds for lobster on both sides of the approved dumping area for spoil between Swines Head and Hook Head.
  
12. It has been acknowledged for a number of years now that something isn't right in this estuary. The cumulative impacts of a number of industries and port activities have not been studied sufficiently to understand what is going on.  
But lack of data isn't an excuse for allowing any pressure to increase.
  
13. When a Coastwatch team of 4 visited the site on May 31<sup>st</sup> we heard nothing but concerns and complaints from local community. Two oyster farmers had their trestles stacked for removal as they were giving up, the oysters of a third were starting to gape. They told us of the large dredger had left a few days ago and that the water column laden with silt for much of May – right when many marine organisms spawn, mussel larvae would be expecting to settle and protected fish migrate up the estuary. They also complained about noise.  
When we then look at the monitoring data we see its either inadequate or in the case of noise missing altogether. There isn't a noise monitoring condition so its not something the port has not done, its highlighting that while there have been noise, light and vibrations complaints from the public there is no monitoring to pick this up.  
There is considerable recent research showing various fish are impacted by noise, light and the sediment plume generated by dredging especially plough dredging.
  
14. The port company has submitted a Natura Impact Statement that was prepared in 2017. This is significantly out of date and was deficient even when it was prepared. Two saltmarsh habitats have been screened out and not subjected to full EIA. However saltmarsh habitat near Cheekpoint has certainly changed in recent years as some parts are more scoured so leading to saltmarsh loss. The NIS did not study whether this is due to more dredging and climate change allowing sea water to travel further upstream.
  
15. The NIS prepared in 2017 also applies to a much smaller area of dredging ground than is the subject matter of the current applications. This further proposed dredging could contribute to further saltmarsh habitat loss.
  
16. The NIS acknowledges that no conservation objectives are available for 1170 Reefs in the River Barrow and Nore SAC which is a listed habitat in the NPWS site synopses. The European Commission has recently commenced infringement proceedings against

Ireland for its failure to set site-specific detailed conservation objectives for SACs designated under the Habitats Directive and for failing to establish the necessary conservation measures. It is not possible to conduct an AA or AA screening in the absence of non-generic conservation objectives.

If the NPWS meant the protection of biogenic reef - Sabellaria – then the NIS didn't cover it either. Sabellaria is highly sensitive to changes in sediment composition <https://oar.marine.ie/bitstream/handle/10793/907/Report%20VI%20Biogenic%20Reefs.pdf?sequence=1&isAllowed=y> Sabellaria alveolata reef occurs intertidally and subtidally in a much greater area of Waterford estuary than shown on the NPWS maps. But these reefs go through periods of smothering under fine silt. The extend of reef now is significantly less than mapped in Coastwatch 2016 to 18 surveys. While again we are not claiming that the port is responsible – dredging is likely to be a contributing factor

17. Cumulative impacts with other activities in Waterford Harbour and Estuary have not been considered. These include impacts of the power station, sewage treatment plant outfalls, sewerage overflows, combined overflows and the background quality of the estuary.
18. The Water Framework Directive has not been considered by the port company. The Barrow Nore Suir transitional waterbody only has a moderate status and according to the 3rd Cycle Draft Barrow Catchment Report has multiple pressures including complaints of mass die off of mussels, norovirus impacts and concern re sodium hypochlorite use (point source) and is under significant pressure from agriculture. The Waterford Harbour coastal waterbody has significant pressures from agriculture and urban run off and again only has a moderate status. Adding to these pressures with increased dredging will further reduce the possibility of the waterbodies attaining the required status of good by the WFD deadline.
19. There does not appear to be a Foreshore Licence for the extended and expanded areas of dredging and disposal.

In the light of the above Coastwatch requests the Agency to reject both applications, neither of which have been properly notified to the public and neither of which is accompanied by appropriate scientific information to justify a decision to continue the existing operation or to expand into new grounds in the manner proposed.

**What we need:**

1. An estuarine management plan for this our second largest and incredibly rich estuary and a Natura 2000 site management measures within it to restore the habitats and species for which the sites were designated. This requires significant effort and resources to research and monitor

2. A review of current goals which are seriously conflicting. For us a thriving estuary with protected sites and species in favourable conservation status, water quality complying with the WFD and many jobs in research, education, tourism as flagship estuary for the ancient East with small scale high quality fisheries and aquaculture is the way forward.  
At present large industry and port ambitions sit like bulls in China shops.
3. In parallel and now urgently we need on-site monitoring of the impacts of the existing and previous dredge and other license permits and a stepping up of site visits by all responsible agencies.
4. Public information and participation needs to improve. THE Agency and the Department of the Marine, the fishermen, the aquaculture operators, NGOs and the local community should be invited to have independent observers on board the dredgers and get regular meetings with large industry with mandatory notification of incidents.
5. Monitoring reports should be published online and the VHS recordings published. It is extraordinary that an activity of this scale – it is bigger than the largest mining or waste landfilling activities on land – is not being more closely monitored and audited by the Agency and that the public cannot oversee the movements of the dredgers.

Yours sincerely,

Karin Dubsky  
Coastwatch Coordinator