DEPARTMENT OF AGRICULTURE, FISHERIES AND FOOD

DUMPING AT SEA ACTS 1996 AND 2004

LOADING AND DUMPING PERMIT NO. 396

1. The Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on him by section 5 of the Dumping at Sea Act 1996 (as amended), and after consultation with the Minister for the Environment, Heritage and Local Government, and the Minister for Enterprise, Trade and Employment, hereby grants this permit to Port of Waterford Company, Marine Point, Belview Port, Slieverue, Waterford.

2. There is hereby authorised by this permit:-

(a) The loading at Waterford Harbour onto the vessels “UKD Bluefin” and “UKD Dolphin” during the period from 1st December, 2008 to 30th November, 2013 of not more than 20,000 tonnes daily of dredge spoil, up to a maximum of 2,214,000 tonnes;

(b) The removal of not more than 1,000 tonnes daily, up to a maximum of 69,000 tonnes, of dredge spoil from the Checkpoint Access Channel, Belview Berths, Passage East Boathouse Quay and Inner Port Berths by means of plough dredging using the vessels "UKD Sealion", "UKD Seahorse", "Agile" or "Denis Murphy" during the period from 1st December 2008 to 30th November 2013.

(c) The removal of not more than 12,000 tonnes, of dredge spoil from Bellview Container/Bulk Berth and O’Brien’s Wharf by means of backhoe dredging during the period from 1st December 2008 to 1st December, 2009.

(d) The dumping from the “UKD Bluefin”, “UKD Dolphin” in that part of the sea bounded by:

(i) Latitude 52° 07.45’ North and longitude 06° 58.80' West;

(ii) Latitude 52° 07.45’ North and longitude 06° 58.10' West;

(iii) Latitude 52° 07.10’ North and longitude 06° 58.10’ West; and

(iv) Latitude 52° 07.10’ North and longitude 06° 58.80’ West,

during the period from 1st December 2008 to 30th November 2013 of not more than 20,000 tonnes daily of dredge spoil, up to a maximum of 2,214,000 tonnes.

3. This permit is granted upon and subject to the following conditions:-

(a) (i) The substance or material to which condition 2 (a) of this permit relates shall be dredge spoil from the Belview Bank Swinging Basin, Bellview Container/Bulk Berth, Bellview O’Brien’s Wharf, Checkpoint Lower Bar, Checkpoint Upper Bar and Duncannon Bar, as indicated on the drawings submitted by Port of Waterford Company in connection with the application for this permit.

(ii) The dumping area shall be divided into 2 sub-areas by latitude 52°07.275’ North. Any dumping shall be spread evenly across each sub-area to avoid peaks or valleys. The 2 sub-areas shall be used in rotation and each successive dumping operation shall commence in a different sub-area. The dumping shall, where practicable, be completed in the sub-area in which it
commenced. Deviation from this requirement is permitted only in adverse weather conditions or for navigational or other exceptional reasons. The reason for any deviation shall be entered in the register maintained under conditions 3(c) and 3(d).

(iii) Subject to condition 3(a) (v), the maximum amount of dredge material that may be disposed of at the dumpsite specified in condition 2(a) in each individual year covered by this permit shall be 444,000 tonnes in 2008; 446,000 tonnes in 2009; 439,000 tonnes in 2010; 439,000 tonnes in 2011; and 446,000 tonnes in 2012.

(iv) Subject to condition 3 (a) (v), the maximum amount of dredge material that may be removed by means of plough dredging pursuant to condition 2 (b) in each individual year covered by this permit shall be 14,000 tonnes in 2008; 13,500 tonnes in 2009; 14,000 tonnes in 2010; 19,000 tonnes in 2011 and 8,500 tonnes in 2012.

(v) Subject to condition 3 (a) (v), the maximum amount of dredge material that may be removed by means of back hoe dredging pursuant to condition 2 (c) shall be 12,000 tonnes in 2008.

(vi) A further amount of 90,000 tonnes of dredge material may be dredged and/or disposed of at sea (where applicable), in any one year covered by this permit, in the event of unforeseen adverse weather conditions causing a sudden increased rate of siltation, or in other unforeseen circumstances affecting navigational safety in the Port. The dredging and disposal of this additional amount of material is subject to the prior agreement of the Department of Agriculture, Fisheries and Food that such dredging and dumping is warranted.

(vii) No dredging or dumping activity shall take place during the period from 28th February to 30th June (inclusive) of each year covered by this permit to allow the passage of migratory fish (Salmon, Lamprey and Shad) in the River Suir cSAC, River Barrow cSAC and River Nore cSAC.

(b) Dumping shall be effected by release through the hull of the vessel(s).

(c) The following information in relation to each load of the substance or material intended to be dumped, and put on board the vessel(s), shall be entered in a register relating to the dumping which shall be maintained by the holder of the permit:

(i) the name of the vessel(s);

(ii) the source of the substance or material;

(iii) the date, time and position at which the voyage for the purposes of dumping began and the place at which it began (in lat./long.);

(iv) the date, time and position at which dumping began (in lat./long.);

(v) the date, time and position at which dumping ended (in lat./long.);

(vi) the quantity, stated in metric tonnes, of the substance or material dumped;

(vii) the date, time and position at which the vessel(s) completed the voyage for the purpose of dumping and the place at which it was completed (in lat./long.).
(d) Entries in a register or log required to be made pursuant to this permit shall be made as soon as may be after the events to which they relate. The register or log shall be retained for not less than three years after the expiration of this permit and copies of any such entries made during the period of validity of this permit shall be sent to Minister for Agriculture, Fisheries and Food, Coastal Zone Management Division, Johnstown Castle, Wexford three months after the commencement of the dumping and every three months thereafter, or as otherwise directed. An annual report on the quantity dumped each year shall be submitted by the 1st December, 2009.

(e) Dredging and dumping shall be carried out in accordance with the “Port of Waterford, 5-year Maintenance Dredging Plan, 2008-2013”, dated 1st December 2008, which was submitted to the Department, or in any other manner as the Minister may specify.

(f) The permit holder shall notify the Department at least two weeks prior to the commencement of each dumping campaign.

(g) At least one month prior to each annual dredging campaign, the permit holder shall submit a revised estimate of the quantities to be dumped in each of the remaining years of the plan.

(h) The cost of any tests, sampling, analysis and monitoring which the Minister for Agriculture, Fisheries and Food may require in relation to the dumping of the substance or material the subject of this permit shall be borne by the permit holder. Furthermore, the cost of any tests, sampling, analysis and monitoring surveys carried out by an authorised officer on behalf of the Minister for Agriculture, Fisheries and Food in relation to the dumping of a substance or material the subject of this permit shall also be borne by the holder of the permit.

(i) The master and owner of the vessels shall, if so requested, permit an authorised officer to be on board the vessels during dumping operations. They shall permit and facilitate the carrying out by the officer of his/her functions under the Dumping at Sea Acts 1996 and 2004, and shall comply with the provisions of these Acts in relation to the officer and those functions.

(j) A marine position recorder in accordance with the specifications of the Department of Agriculture, Fisheries and Food shall be commissioned and maintained on the dumping vessel(s). Information regarding dumping voyages shall be automatically recorded to allow monitoring of the dumping operation by the Department of Agriculture Fisheries and Food. Failure to meet this requirement shall mean that no dumping shall be allowed under this permit.

(k) The permit holder shall adhere to the requirements specified by the Marine Licence Vetting Committee for the monitoring of the impact of plough dredging, maintenance dredging and dumping activities on the mussel beds at Cheekpoint; the herring spawning ground located south of the dumpsite; the candidate Special Area of Conservation at Hook Head (including the herring spawning ground at Hook Head / Doornoge Point); the dumpsite specified in condition 2(d) of this permit; and the lobster release area located in the vicinity of Swine Head. A copy of all reports of the results of these monitoring surveys for each year covered by this permit shall be forwarded to the Department of Agriculture, Fisheries and Food as soon as possible after they have been compiled.
(l) The permit holder shall undertake any other analysis and monitoring requirements specified by the Marine Licence Vetting Committee during the term of this permit.

The permit holder shall:

(i) Ensure that the exclusion zone that is in place around the two protected wreck sites at Duncannon Bar specified by the Marine Archaeology Unit of the Department of the Environment Heritage and Local Government is adhered to. No dredging or dumping shall take place within the exclusion zone area. These wreck sites are subject to statutory protection under Section 3(4) of the 1987 National Monuments (Amendment) Act.

(ii) Give assurances that all dredging companies that are engaged to undertake the dredging in the area of the two wreck sites at Duncannon Bar will have the exclusion zone clearly included on their charts in advance of any dredging work commencing.

(iii) Give notification to the Marine Archaeology Unit of its intention to commence dredging.

(iv) Give sufficient notification to the Marine Archaeology Unit to allow a judgement to be made by the Marine Archaeology Unit on whether an archaeological inspection of the wreck sites is required in advance of the dredging works commencing or if archaeological monitoring is required during the course of the dredging works when near the exclusion zone.

(v) Ensure that should archaeological monitoring be required during the Dredging at Duncannon Bar, this is agreed between the permit holder and the Marine Archaeology Unit in advance of the dredging works commencing and the permit holder shall engage the services of a suitably qualified archaeologist to carry out such monitoring.

(vi) Should it be a requirement to dredge to a greater depth than the required channel depth in the northern part of the Duncannon Bar during the course of the 5-year dredging programme, then archaeological monitoring shall be required to protect the identified anomalies 1-4, which lie at a greater depth than the required channel depth. Notification of the need to dredge to a greater depth in this area shall be provided to the Marine Archaeology Unit of the Department of Environment, Heritage and Local Government in advance of the dredging taking place in this area. The nature and extent of the archaeological monitoring in this area can be agreed between the Port of Waterford Company and the Marine Archaeology Unit of the Department of Environment, Heritage and Local Government.

(vii) All archaeological monitoring shall be licensed by the Department of the Environment, Heritage and Local Government.

(viii) Ensure that the dredging company facilitates the archaeologist engaged to carry out the monitoring, and accommodates the archaeologist on board the dredger during the dredging works.

(ix) Ensure that should potential archaeology be impacted during the course of such dredging, the monitoring archaeologist shall be empowered to have the dredging stopped in that
area until the Marine Archaeology Unit of the Department of the Environment, Heritage and Local Government has been informed and the potential archaeology has been evaluated and resolved. The permit holder shall be prepared to be advised by the Marine Archaeology Unit of the Department of the Environment, Heritage and Local Government in this regard.

(x) Forward to the Marine Archaeology Unit of the Department of Environment, Heritage and Local Government for their records copies of the results of the hydrographical surveys undertaken along the Duncannon Bar, before, during and after the dredging programme.

(xi) Forward to the Marine Archaeology Unit of the Department of the Environment, Heritage and Local Government for their records a copy of the track plots of the dredger when in the vicinity of and adjacent to the exclusion zone.

(m) The permit holder shall continue to investigate the possibility of alternative reuse / disposal options for material dredged from the areas located within the Port’s remit, and shall liaise regularly with the Department of Agriculture, Fisheries and Food, and the Marine Institute, in this regard.

(n) The permit holder shall advise all relevant interests, including persons engaged in aquaculture, fisheries organisations, marine tourism and leisure organisations, and local heritage organisations, operating in the vicinity of the dredging and dumping activities covered by this permit of the start and finish dates of individual dredging and dumping campaigns, and make available to these bodies the results of any monitoring carried out under condition 3 (h) of this Permit (after these have been examined by the Marine Licence Vetting Committee).

(o) The permit holder is required to arrange the publication of a local marine notice. This local marine notice should give a general description of operations and approximate dates of commencement and completion.

(p) All vessels used in connection with the dredging and dumping activity that is the subject of this permit must meet with the requirements of the Marine Surveyors Office for the purposes stated in this permit.

(q) The permit holder shall indemnify and keep indemnified the State, the Minister for Agriculture, Fisheries and Food, his officers, servants or agents against all actions, loss, damage, costs, expenses and any demands or claims howsoever arising in connection with the dredging and disposal operations that are the subject of this permit, and the Port Company shall take such steps as the Minister may specify in order to ensure compliance with this condition.

An officer of the Department of Agriculture, Fisheries and Food, duly authorised by the Minister for Agriculture, Fisheries and Food under Section 15(4) of the Ministers and Secretaries Act, 1924, to authenticate permits under section 5 of the Dumping at Sea Act, 1996 (as amended).

Dated this 8 day of December, 2008.
Signed on behalf of the holder of the permit

Date: 19th December 2008

This permit may be amended or revoked by the Minister for Agriculture, Fisheries and Food whenever he thinks it appropriate to do so. Breach of a condition of this permit will render the permit holder, the master and the owner of the vessel(s) concerned, and any other person who causes or permits dumping or loading for dumping in pursuance of this permit, liable to prosecution for unlawful dumping or loading for dumping as the case may be.