

Dear Sir/Madam,

I am writing to you to make an observation on the application made by the Port of Waterford under case reference number OA10.323575. I wish to make An Coimisiún Pleanála and the applicant aware that I am a stakeholder in the River Suir.

My fishing Weir is upriver of Passage East adjacent to the lands of Knockrow.

The Port of Waterford says the dredging is necessary to keep the channel clear and furthermore the scale of the development is such that it not only changes the dynamics of shipping and the marine ecosystem indefinitely in the Waterford Estuary but creates uncertainty for me and my weir going forward.

From the application I understand that the Port will experience a significant increase in the volume of marine traffic as such the development may subject my weir to negative influence.

Therefore, in considering the application I would please ask that you consider the effects of the proposed development on the weir and remain cognisant of this now and into the future.

1. To not interfere with the waterflow to the weir
2. To not compromise the structural integrity of the weir.

Kind Regards

Bríd Sullivan

## Eve O'Sullivan

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**Subject:** S0012-05 Port of Waterford Company - Submissions for Comment  
**Attachments:** PoW Response to Public Submissions.pdf

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**From:** Ian Moriarty <[REDACTED]>  
**Sent:** Tuesday, April 23, 2024 3:16 PM  
**To:** Licensing Staff <licensing@epa.ie>  
**Cc:** Eve O'Sullivan <[REDACTED]>; Port of Waterford <[REDACTED]>; Dredging Colm Sheehan <[REDACTED]>  
**Subject:** RE: S0012-05 Port of Waterford Company - Submissions for Comment

Dear Sir/Madam,

Please see attached Port of Waterford's response to public submissions.

Sincerely,  
Ian Moriarty



Capt. Ian Moriarty  
Deputy Harbour Master

[REDACTED]  
[www.portofwaterford.com](http://www.portofwaterford.com)



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**CALAFORT PHORT LÁIRGE PORT OF WATERFORD**

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Office of Climate Change, Licensing & Resource Use,  
Environmental Protection Agency,  
PO Box 3000,  
Johnstown Castle Est.,  
Wexford, Ireland.

For the attention of: Licensing Team

22nd April 2024

Dear Sir/Madam,

## **Port of Waterford – Dumping at Sea Application Reg No S0012-05**

On behalf of the Port of Waterford (PoW), I am responding to the Agency's letter of the 3<sup>rd</sup> April 2024 which provided copies of the public submissions pertaining to the above application.

The Port of Waterford welcomes these submissions and would like to make some observations on the submissions received to provide clarity on some matters for the public and for consideration by the EPA. The PoW's observations are made in turn to each submission.

### Submission No.1 – Brid Sullivan

The PoW does not believe that the collective application of areas for maintenance dredging in the estuary impinges on any party from making a submission or observation on any individual or collective area(s) and that no statutory rights are being impacted.

With regard to the PoW's Strategic Environmental Assessment Report referenced, this report is solely applicable to potential future capital projects contained within the PoW's 25 year master plan. The Dumping at Sea application under consideration does not contain any of the projects within this report and is only focused on continued maintenance dredging that is critical to the ongoing operation of the PoW.

### Submission No.2 – [REDACTED]

The PoW believes that the Supporting Information for Screening for Appropriate Assessment (Attachment F.1.x) and the Natura Impact Statement (Attachment F.1.xi) in support of its Dumping at Sea permit application are compliant with the relevant legislation and guidance, as set forth in the reports.

We are satisfied that sufficient technical information has been provided to the Agency as part of this application to enable the Agency to conclude beyond reasonable scientific doubt that emissions and discharges arising from future maintenance dredging works will not have any adverse effects on the integrity of any European site.

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Submission No.3 - [REDACTED]

For ease of review, the PoW has extracted the relevant comments made by [REDACTED] and provided a response to each in Table 1 below.

**Table 1 [REDACTED] Comments and Responses**

Submission Comment	Submission Response
Dispersal of the spoils is far from optimum with negative consequences for the ecosystem where fertile crustacean and fish spawning grounds are negatively impacted.	This statement is anecdotal and is not reflected or supported by any of the environmental studies commissioned by the PoW and contained within the application.
Dumped spoils in all and any tidal condition, so close to the harbour entrance, is self defeating as an flooding tide will undoubtable carry a portion right back into the Estuary.	PoW has provided dispersion modelling to inform all environmental assessments undertaken.
An empirical analysis / a visual examination of the largest Sand Coral Reef in Europe, stretching from Duncannon to the Hook, clearly shows the devastating impact of the fine silt of the dumped dredge spoils smothering the live coral, with dead patches clearly evident at low tides.	No empirical results have been provided by the submission to comment on the proposed impacts. PoW is not aware of any such impacts despite undertaking significant studies to support this application.
The prevailing tidal currents are impacted by the extending geomorphology of the underwater Hook rock formation thus creating eddies to frustrate better dispersal.	PoW has provided dispersion modelling to inform all environmental assessments undertaken.
The current dump site is an anachronistic left-over from the first world war [WW1] when the new dredger at that time [ss Portlairge] was barred from voyaging further afield due to the activities of German U-Boats in the area. [note: ss Hornby and ss Connigbeg loses of this era]. The location has never changed since.	This is incorrect. As can be viewed on the EPA mapping website, PoW and the Office of Public Works have had various disposal sites closer to shore previously. The current site has been active since 1993.
With the upcoming demarcation of a DMAPS at this location, a dumping site of this nature would negatively impact the spirit and the practical aspirations of such a Marine Protected Area.	DMAPS will determine the broad area where offshore renewable energy projects can be developed and have no relevance to the PoW's application.
Other Irish Port Companies must dump their dredge spoils much further out from the baseline. Cork Port Company is mandated to dump its spoils at least 4 km from shore, which makes much more sense.	The optimum disposal site for each port is site-specific, based on a range of natural characteristics of each location. For example, Dublin Port places their dredged material at the edge of Dublin Bay, Fenit distance is 1.5km from the shore and Shannon Foynes has various disposal sites within the Shannon Estuary.
The prevailing currents East - West and West-East coupled with a flat bathymetric structure, extending out to our full EEZ lines, makes a 5km from baselines dump zone a far more effective dredge dumping location.	PoW has considered such a proposal historically but found it to have significant cost, programme and carbon impacts with no notable benefits.

<p>The recent licensing permit allowing dredging to escalate to a full yearly endeavour, particularly at Cheekpoint, appears to have made, inter alia, devastating impacts on the ecology of the Waterford Estuary with fish and crustacean extinctions accelerated, anecdotally reported. This extension exacerbates the many problems, as outlined above, associated with the current dumping location.</p>	<p>This statement is anecdotal and is not reflected or supported by any of the environmental studies commissioned by PoW and contained within the application.</p>
<p>With rail services now connecting Limerick to Waterford Port, the most dredged Estuary in Ireland [Waterford], solely undertaken to accommodate Panama Max and Suez Max ships, is unnecessary for the importation of minimal amounts animal feed and molasses, mostly unloaded beforehand at Foynes and Cork Ports.</p>	<p>PoW believes that such a national port policy/strategy observation is not relevant to this application.</p>

Submission No.4 - [REDACTED]

For ease of review, the PoW has extracted the comments relevant to this Dumping at Sea application made by [REDACTED]n and provided a response to each in Table 2 below.

**Table 2 Pat Moran Comments and Responses**

Submission Comment	Submission Response
<p>The baseline is set recently and does not address the fish stocks and Shellfish beds that supported commercial fishing – fishing villages of Waterford harbour no longer there.</p> <p>The application does not adequately address Shellfish Dieback and whether potentially there is a link with Dredging (Plough Dredging) either on its own or in combination with pollution caused by other EPA Licences and events to Aquaculture.</p>	<p>In consideration of this application PoW commissioned an independent Fisheries Impact Assessment which concluded that:  <i>“Based on best available scientific research and information that has been established throughout several years of sampling fish as part of the Water Framework Directive surveillance monitoring programme in Waterford Harbour, it can be concluded that the Waterford Harbour has good ecological status with regard to fish (Ryan et al. 2017, 2020), and that the ecological status of fish has not previously been significantly affected. In addition, based on the assessment of potential impacts on fish in Waterford Harbour, the ecological status of fish in Waterford Harbour will not be significantly affected by the maintenance dredging programme in Waterford Harbour.”</i></p> <p>PoW also commissioned an independent Aquaculture Impact Assessment which concluded that:  <i>“Given the physical oceanographic conditions in Waterford Harbour, the already turbid character of its waters, the fact that both oysters and mussels have evolved to live in such conditions and that the predicted levels of suspended sediments generated by the dredging and disposal activities are low, the level of impact of such activities on aquaculture species is extremely low.”</i></p> <p>Furthermore, it is noted that the scale of industrial aquaculture has grown substantially in recent years in the estuary, with multiple new licences granted. Such applications and licences are not synonymous with an estuary in a declining environmental state. No detailed assessments have been undertaken on these activities and the combined impact they may have on other naturally occurring shellfish within the estuary.</p>



Figure 1 Portion of Woodstown Aquaculture

The Carters Patch Turbidity Buoy positioned as it is on the Shellbourne Bank (Coolya Mud) at that location it would be incapable of giving Turbidity readings for Carters Patch or anywhere else in the estuary.

This water quality monitoring buoy location was agreed upon with the EPA as the optimal location to monitor plough dredging operations at Cheekpoint.

Cheekpoint Harbour access - Dredging is required to be carried out by the Port of Waterford by a High Court order into the community quay and harbour at Cheekpoint from the Port of Waterford created sediment Sink (0.8ha according to the Port of Waterford). This application has an increase from 0.8 to 2.84ha to accommodate a private pontoon at Cheekpoint (Cheekpoint Boat owners association). Clarification is needed from the EPA on their letter of 10/10/2022 to the Port of Waterford on the withdrawal of application S0012 - 04 see attached.  
Clarification is also needed as to whether the EPA can grant an increased Dredging Licence due to the flawed Natura impact statement that accompanied the Pontoon application through Planning and Foreshore Licence stages.

The increase in licence area at Cheekpoint Harbour is not to accommodate a private pontoon. The proposed extension of three permitted areas is to facilitate ploughing being undertaken effectively and prevent localised build of sediment.

The pontoon in reference was granted by Waterford County Council and appealed to An Bord Pleanála. An Bord Pleanála granted the pontoon on the 19th July 2021 (Planning Ref: 20217; ABP-309266-21).

The relevant planning authorities provided the following conclusions:

The Waterford County Council's Planner's Report stated, *'Having regards to the site location, nature of works proposed and details provided with the application, in my opinion the proposed development either individually or in combination with other plants or projects, would not be likely to have a significant effect on a Natura 2000 Site.'*

The Inspectors Report, which is publicly available on An Bord Pleanála's website, states, *'Having regard to the preventative measures to avoid impact on the SAC and SPA including measures to be put in place during the construction phase in relation to the excavation required to create the pontoon, gangway and ramp, I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Lower River Suir SAC (Site Code) and the River Barrow & River Nore SAC (Site Code), or any other European site, in view of the sites' Conservation Objectives.'*

In addition, as part of the Foreshore Lease

	(Ref: FS007053), the Department of Housing, Local Government and Heritage undertook the Appropriate Assessment process and concluded, <i>'The Appropriate Assessment identified a number of measures to avoid pollution, disturbance and adverse effects on the movement/migration of Annex II fish species. These measures along with specific measures to avoid displacement of the Annex II species otter were considered to be appropriate mitigation to avoid significant effects on these species. It is therefore determined that the proposed project, either alone or in-combination with other projects, will not adversely affect the integrity of European sites, in view of the said sites' conservation objectives.</i>
The effect on National Monuments of Port works Dredging?	An Underwater Archaeological Impact Assessment (UAIA) has been undertaken and was submitted as part of the application.
The application gives coordinates for the Dumping and Dredging, whereas the modelling gives the Dumping area from Buttermilk point to Little Island. As a complete assessment has not been done for the entire Dumping site, for habitat, biodiversity and for species that live in the area, dwell in the area for prolonged lengths of time and or migrate through the said area. This assessment should be done immediately.	The submission has misunderstood the modelling undertaken. The application states the coordinates for where the works are to be undertaken. The plough dispersion modelling shows the dispersion of the sediment from the plough dredging work area within the estuary which is generally limited between Buttermilk Point and Little Island. The modelling undertaken is of the highest industry standard and is fully reflective of the ploughing works being undertaken since they were permitted by the EPA.
This area is part of a Special Area of Conservation (SAC) and Shellfish Designated Waters protected by directives and contains two natural occurring bottom Mussel Beds (dormant from Fishing) that lie within the Dumping area which have not been mentioned or referenced.	The plough dispersion modelling undertaken analysed the potential turbidity and sedimentation impacts from the proposed ploughing works. The Natura Impact Statement considered these impacts and classified the impacts <i>"very localised and very short-lived"</i> . This is applicable to the indicated mussel beds and these studies were considered by the EPA in the granting of the existing Permit. The application seeking to continue these activities does not seek any additional tonnages or increased release rate.
A comprehensive yearlong study should take place to establish the number and abundance of species present to be compared with the 2009 EIS for Great Island Power Station which is in the general area, alongside and overlapping the Dumping and Dredging application along with an assessment of the natural occurring Mussel beds in the area from Little Island to Buttermilk Point.	PoW does not believe this request is appropriate as there is no evidence that the health of the indicated sites has diminished, or that the PoW's maintenance activities have had any impact.
1tonne dumped causes the same effect as	The results of the modelling undertaken

<p>10,000 tonnes or 40,000 tonnes and can only barely be found above background levels at Monitoring stations.</p>	<p>presented the impacts above background levels for the worst case (highest production rate) scenario. The values above baseline levels are outlined with a high level of detail. The hydrodynamic model is the highest quality three-dimensional model available for any estuary in Ireland. The significant turbidity monitoring undertaken has validated the modelling; with the values above baseline levels correlating well with those predicted by the model.</p>
<p>Power Station Licence at Great Island and The Duncannon Beach Report</p>	<p>The mentioned sites/reports have no relevance to the PoW's permit application.</p>
<p>Where does the Dredging and Dumping at Cheekpoint Lower Bar fit in to the Port of Waterford's Master Plan 2020/2044? In the plan a river training wall is proposed for that area.</p>	<p>The PoW's Master Plan indicates its potential desire to create a river training wall at Cheekpoint Lower Bar to reduce the requirement for dredging in the area. However, there is a lengthy design, environmental and regulatory process to be undertaken before it can be determined if such a structure is feasible and permitted. Until or unless this structure is constructed, ongoing maintenance works in this area are critical to ensure safe navigational access to the PoW.</p>
<p>The application states the Port as not needing additional tonnages only an extension of the area. Additional area means additional Dredging and Dumping in the Dumping area. Buttermilk Point to Little Island, where does the additional tonnage, come from within the licence? Was there a mistake and is there over capacity that allows the area to be doubled and the licence not to be effected as regards tonnages or are the tonnages being moved around the licence or is the emergency tonnage earmarked within the licence being used?</p>	<p>The PoW intend to use the historically permitted tonnage over the extended areas. As stated above, the PoW's modelling and environmental assessment must assume a worst-case scenario to ensure the potential impacts of all possible scenarios are quantified and considered appropriately. Therefore, on this basis, the total tonnage applied for and the daily production rate are based on this worst-case scenario. In reality, as is reflected in the Dumping at Sea permit returns, the actual tonnages ploughed are substantially less than licenced.</p>
<p>Gangway and Pontoon at Cheekpoint Quay planning/foreshore permission</p>	<p>The stated foreshore application/permission has no relevance to the PoW's permit amendment application.</p>
<p>Since 2019 Ploughing has been undertaken more regularly at Cheekpoint Lower Bar this prevents sediment from consolidating in the area as it keeps fluid material moving on the tides. This methodology changes the dynamics of the licence as the composition of the material dredged and dumped is now 100% fluid material (slop). Why is the Monitoring not picking up more in the Dump site between Buttermilk Point and Little Island? Why has the Monitoring not picked up the increase in turbidity 2 hours and twenty minutes after high tide and around the same on the flood tide after low water on the Spring tides? Turbidity does only not</p>	<p>The PoW fully agree that ploughing should only take place when natural turbidity is high when it does not add significantly to the background levels. One of the PoW's mitigation measures is that ploughing at Cheekpoint is only undertaken on spring tides when background turbidity levels are significantly elevated beyond those recorded during neap tides. This is also a condition of the current permit and is enforced by the EPA's Office of Environmental Enforcement. The turbidity monitoring undertaken has identified when ploughing operations are ongoing but all elevated values are within those predicted by the modelling</p>

<p>remain the same during all the ebb and flood, Ploughing should only take place when natural turbidity is high when it does not add significantly to the background levels.</p>	<p>undertaken. Please reference the Cheekpoint Ploughing Turbidity Analysis of 2020 Data report included in the application, which has been previously reviewed and accepted by the EPA.</p>
<p>The Beach erosion that has happened at Woodstown and the entire way to Passage has gone unseen. The small area referred to as present at the Southern part of Passage Strand referred to locally as the Mussel Bank and where Ragworm would be got has also gone unnoticed. Mussels and Mussel Beds throughout the estuary have also gone unseen or unnoticed along with Oysters and how many other species? Shellfish Dieback all around the Harbour, mortalities in Mussels and Oysters, cause unknown, consequences unknown with the EPA's main function now appears to be the Mapping and Recording of the decline and demise of Habitat, Biodiversity, Species and Water Status.</p>	<p>If beach erosion at Woodstown is occurring, it is not relevant to the PoW's maintenance operations at Cheekpoint, which occur 11 km upstream.</p> <p>The Woodstown area is heavily industrialised (refer to Figure 1 above) by the aquaculture industry and has had unprecedented growth in recent years. It is far more likely that these operations have altered the hydrodynamics and marine environment in the area rather than remote maintenance works at Cheekpoint.</p>

Submission No.5 - [REDACTED]

For ease of review, the PoW have extracted the relevant comments made by [REDACTED] and provides a response to each in Table 3 below. It should be noted that comments directed at the EPA have not been responded to.

**Table 3 [REDACTED] Comments and Responses**

<b>Submission Comment</b>	<b>Submission Response</b>
<p>The obligations under the WFD are clear and it is impermissible to permit a development where it is either the case that the current status will not be maintained or there is a risk that the current status will not be received as in the instant case.</p>	<p>The application contains detailed hydrodynamic modelling, based on worst-case scenarios, and long-term water quality monitoring. These assessments have informed comprehensive environmental assessments which have concluded that the proposed maintenance activities will not result in any significant impacts on the receiving waterbodies and would not result in a deterioration in 'ecological status' and would not result in the relevant waterbodies being unable to achieve the relevant target ecological status.</p>
<p>It is clear from the application documents that the Applicant has not undertaken an AA Screening and/or an AA that is compliant with the provisions of the Habitats Directive. In particular the applicant has failed to consider the question of cumulative impacts in this regard.</p>	<p>PoW believes that the Supporting Information for Screening for Appropriate Assessment (Attachment F.1.x) and the Natura Impact Statement (Attachment F.1.xi) in support of its Dumping at Sea permit application are compliant with the relevant legislation and guidance, as set forth in the reports. Screening of all relevant European sites was undertaken in Section 6.1 and an analysis of in combination effects in Section 6.3.</p>
<p>It is evident from the above application that the Applicant has not undertaken an EIA screening and/or an EIAR that is compliant with the provisions of the EIA Directive.</p>	<p>With regard to the EIA Screening Assessment undertaken, reference is made to Section 3.4 of the Assessment of Impact on the Maritime Usage Report. PoW believes the screening is fully compliant with the EIA Directive.</p>
<p>The Port of Waterford's ongoing dredging activities have resulted in huge deterioration to the waterbody and marine habitat.</p>	<p>PoW strongly disagree with this anecdotal and unsubstantiated statement. PoW has compiled a wide range of comprehensive environmental studies both to monitor its ongoing activities and to inform the Dumping at Sea application. There is no evidence that the PoW maintenance activities, ongoing for decades, are contributing to a decline in the environmental status of the estuary.</p>
<p><u>March and June 2022 Letters</u> The above summary of development to date clearly demonstrates the significance of the dredging operations being undertaken and the unprecedented expansion of those dredging operations over the years.</p>	<p>PoW contend that its maintenance activities have not had unprecedented expansion in recent years. The submission outlines that the quantity the PoW is permitted to dispose of offshore has doubled. This is incorrect. Permit S0012-03 outlines the permitted quantity in wet weight, whilst previous permits stated dry tonnes (which is used in all hydrodynamic modelling). The conversion rate between the two varying units explains the difference between the permitted values. Therefore, no increase in dredging volumes being permitted to be disposed offshore has occurred in recent years.</p> <p>In terms of area, two new locations have been added to the permit in recent years, one at Passage East Shoal and the other at Creadan Bank. It was prudent for PoW to</p>

	<p>include these as the levels in these locations are just below the safe navigation level. However, dredging would only occur at Creadan Bank if these historic levels present were altered and such contingency dredging could only be undertaken with the express permission of the Agency. No dredging has occurred at these two locations since they were included in the permit. Therefore, no increase in dredging area has occurred in recent years.</p> <p>Permitted ploughing tonnages have been increased in recent years after substantial studies were undertaken by PoW. This increase was assessed by the EPA in consultation with statutory and public consultation and the increase was permitted. Subsequently, monitoring has been in place to ensure no unforeseen impacts on water quality have occurred and a report demonstrating this has been provided and accepted by the EPA's Office of Environmental Enforcement. This ploughing has improved the standard of the navigation channel being maintained at Cheekpoint Lower Bar and also resulted in the reduction of dredging campaigns and disposal offshore, from three campaigns a year, to two. Also, the permitted ploughing tonnages are based on worst-case sedimentation scenario. In reality, the extent of ploughing is affected by the extent of natural sedimentation that occurs over the course of the year. For example, the permitted ploughing tonnage in 2023 was 159,165 wet tonnes. However, PoW only utilised 32,910 wet tonnes throughout the entire year (20% of permitted tonnage).</p>
<p>27<sup>th</sup> July 2022 Letter of Complaint to Permit S0012-03</p>	<p>Port's Response - August 2022</p> <p>High levels of sediment occur naturally in the estuary. This is an inescapable consequence of the estuary being fed by three major rivers and countless streams, from a combined catchment area of over 9,000 square kilometres. In addition to this terrestrial originated sediment, the vast majority of sediment comes in to the area from sea - a previous report published by the Agency estimated the tidal prism at the mouth of the estuary to vary between approximately 168 billion litres and 280 billion litres between neap and spring tides respectively.</p> <p>The above factors all combine to give rise to a highly dynamic waterway. The PoW has an obligation to maintain the navigation channel to safe depths and its dredging operations are an inevitable result of its location within such a dynamic waterway. In fact, the PoW has been dredging in the estuary long before any aquaculture activities commenced. The levels of aquaculture in the region of Woodstown Bay have increased significantly in recent years. As far as can be determined, there have been no studies into what effects the ever-expanding underwater infrastructure is having on the natural movement of water and sediment in the area.</p>

PoW rejects the claim that its dredging operations are unlawful. As the complainant himself points out, the operations are undertaken under a Dumping at Sea Permit.

The complainant asserts that AIS tracking of the Fastnet Sound on 15th June 2022 is evidence of “large scale” dredging operations. This argument does not hold up to scrutiny – AIS tracking cannot be interrogated to determine any levels of activity.

The complainant makes several references to so-called “*toxic dredge spoil*”. There is no evidence to suggest that the river’s sediment is “*toxic*”. As is required by its Dumping at Sea Permit, PoW undertakes regular chemical and granulometric analysis of the sediment in the plough dredging sites. The programme was developed and conducted in consultation with the Marine Institute and the samples are analysed by an independent laboratory. The results of the analysis are provided to the EPA and no further ploughing is undertaken until the Agency have approved same. Furthermore, as outlined above, and as evidenced by the turbidity data, little to no sediment from plough dredging operations makes it way as far down-estuary as Woodstown

PoW also highlights the complainant’s own website which declares: “*Grown in A class waters of Woodstown Bay, our oysters have the pleasure of being reared in the highest quality water on the Irish coast. The water quality certification is only awarded after very strict and comprehensive ongoing testing is carried out by the competent authority.*”

The complainant has alleged that “*toxic dredged spoil* from Port of Waterford’s dredging activities” has resulted in large scale blanketing of the oyster farm in Woodstown and has provided photographs purportedly from 8th November 2021 and 8th July 2022 to support their allegation. The aforementioned dispersion modelling and time-stamped turbidity monitoring data sufficiently refute this allegation. Moreover, PoW experienced a net infill of 12,637m<sup>3</sup> at Cheekpoint in November 2021 – a consequence of the highly dynamic nature of the estuary

The complainant has alleged, without evidence, that “*toxic suspended sediments are having a negative impact on mussel spatfall*”. The below photograph is from buoy maintenance works conducted 25<sup>th</sup> August 2022. The presence of mussels on buoys and their associated moorings is a common occurrence in the estuary and it is the PoW’s position that this allegation is entirely unfounded.



**Mussel growth on navigation buoy 25/08/2022**

PoW also highlights the “Beaches” website, [www.beaches.ie](http://www.beaches.ie) which can be accessed either directly or is linked to on the Agency’s own website, [www.epa.ie](http://www.epa.ie). Historical results on the Beaches website indicate that the water on both sides of the estuary is consistently either “Good” or “Excellent” in terms of Water Quality. The below Tables reproduce the available results from Woodstown itself and Duncannon for the last 12 months.

Sample Date	E.coli Result	Intestinal Enterococci Result	Water Quality
05/09/2022	74	145	Good
08/08/2022	52	<10	Excellent
11/07/2022	20	<10	Excellent
13/06/2022	<10	<10	Excellent
25/05/2022	10	20	Excellent
06/09/2021	73	20	Excellent

**Woodstown Water Quality**

Sample Date	E.coli Result	Intestinal Enterococci Result	Water Quality
05/09/2022	42	5	Excellent
29/08/2022	21	8	Excellent
22/08/2022	31	1	Excellent
15/08/2022	3	7	Excellent
08/08/2022	28	3	Excellent
02/08/2022	210	16	Excellent
25/07/2022	34	4	Excellent
18/07/2022	39	3	Excellent
11/07/2022	11	2	Excellent
04/07/2022	430	19	Good
27/06/2022	19	7	Excellent
20/06/2022	3	11	Excellent
13/06/2022	1	10	Excellent
07/06/2022	2	1	Excellent
23/05/2022	1	1	Excellent
01/09/2021	61	26	Excellent

### **Duncannon Water Quality**

PoW notes however, that the sampling results of the Woodstown Stream as published on the Waterford City & County Council website [www.waterfordcouncil.ie](http://www.waterfordcouncil.ie) indicate that the levels of Intestinal Enterococci in the stream have ranged from Excellent to Poor since June of this year. The stream enters the estuary at Woodstown Bay, in close proximity to the aquaculture sites and “Poor” results were found after sampling on 13/06/2022, 11/07/2022, and 18/07/2022.

PoW also points out that there was significant rainfall in the region in the periods prior to the maintenance ploughing campaigns in November 2021 and July 2022. Taking the Met Eireann weather station in Duncannon as an example, rainfall in October 2021 totalled 175.9mm/6.9inches. Rainfall in June 2022 was 79mm/3.11 inches. The October 2021 rainfall was approximately 55mm greater than the 30-year (1991-2020) rolling average for the area as indicated on the Climate Change Knowledge Portal. The June 2022 rainfall was roughly in line with the rolling 30-year average but over half the monthly average, 46.7mm, fell in the 10 days immediately prior to the July ploughing campaign – Table 6 on the following page refers. A spot check of other Met Eireann weather stations in the region shows a similar pattern. It would take a number of days for the rain to run off the surrounding land into the estuary catchment but that it would have an impact on the water course is beyond question.

In conclusion, given that the turbidity data corroborates the previous modelling work; that external assessments of the estuary show the water quality to be Good to Excellent, and that the complainant has failed to take into account any naturally occurring conditions that may affect water quality, the PoW believes that the complaint is completely without merit.

Submission No.6 - [REDACTED]

The PoW welcomes this submission in favour of the proposed maintenance works to keep the narrow channel clear for local recreational and fishing vessels.

Submission No.7 - [REDACTED] Generating Station

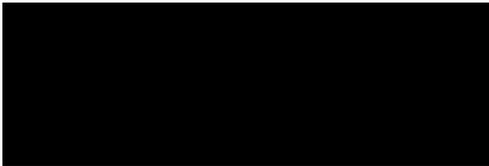
The PoW welcomes this submission in favour of the proposed maintenance works which are necessary for the continued long-term operation of the power station in Great Island, which generates approximately 8.3% of the current maximum national demand for electricity.

Submissions No.8 to 12 - [REDACTED] Services

The PoW welcomes the various submissions made in favour of the proposed maintenance works from just a few of the companies that the port operations support by its ongoing provision of trade to the southeast region.

The PoW thanks the EPA for the option of responding to the public submissions. Should any response provided herein require further detail, please do not hesitate to request further information.

Yours sincerely,



Capt. Ian Moriarty  
Deputy Harbour Master  
Port of Waterford

**From:** [Brid Sullivan](#)  
**To:** [Licensing Staff](#)  
**Subject:** Application Ref Number: S0012-05  
**Date:** Monday 25 March 2024 15:02:51  
**Attachments:** [REDACTED]

---

Dear Sir/Madam

I have enclosed my submission and supporting documentation in this email.

I look forward to hearing from you soon.

Yours Faithfully,  
Bríd Sullivan.

EPA,  
PO Box 3000,  
Johnstown Castle Estate,  
Co Wexford.

Bríd Sullivan

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

RE: Application Ref S0012-05

Dear Sir/Madam

I am writing this submission on foot of the application made by the Port of Waterford for a dumping at sea permit. It has come to my attention that the Port wish to collectivise any applications for dumping at sea and dredging permits. I would like to know if this acts as an encumbrance/interference or otherwise negatively affects my property/personal rights to make submissions regarding any foreshore/dredging/dumbing applications made by the Port of Waterford:

*“Whilst the primary purpose of this application is to maintain the Port’s infrastructure to navigationally safe levels, the secondary purpose of this application is to assist the numerous other users of the estuary in the maintenance of their marine facilities. These include such areas as county council-controlled berths in Waterford City, an energy jetty berth at Great Island power station, local slipways for recreational/ferry craft and access to minor recreational harbours. Should the responsible parties for each of these areas seek a permit/licence individually it is unlikely they would have the resources required. Furthermore, the EPA would have to process numerous permit applications rather than a single collaborative application. Whilst areas such as these are not the responsibility of the Port of Waterford, the Port recognises their importance to minor businesses and the general public and is happy to collaborate with them to ensure the permitting of the maintenance activities of the harbour as a whole is streamlined.” (Port of Waterford application page 1).*

I would like to make it clear that the EPA/Port of Waterford should protect my statutory rights to pass further comment as the need arises. The Harbour Master of the Port of Waterford gave me assurances as to this in a letter responding to a previous submission made about a past foreshore licence application. I have included an excerpt below and the full letter in the email submission.

The submission refers to the Port's SEA Environmental Report. This report refers to potential master planning projects that may or may not be required over the next 25 years and does not form any part of the foreshore application under consideration. Should any of these projects be progressed they would need to acquire the necessary permissions/permits/licenses through separate and individual applications.

I look forward to hearing from you soon.

Yours faithfully,

Bríd Sullivan.

The Marine, Planning & Foreshore Section  
Department of Housing, Planning & Local Government  
Newtown Road  
Wexford  
Co. Wexford

16<sup>th</sup> June 2020

Dear [REDACTED]

**Re: FS006684 Port of Waterford Dredging Public Submission**

Thank you for providing the public submission from July 2019 to the Port of Waterford for review and comment. We have reviewed the contents of the submission from Heffernan Foskin, on behalf of [REDACTED] and would have the following comments in response:

1. The Port of Waterford notes the concerns of [REDACTED] and is cognisant at all times that the Port is only one user of the estuary, with many other parties using the estuary for leisure and commercial activities.
2. Following a review, we can confirm that [REDACTED] weir is not within the proposed maintenance dredging area. It is estimated the weir in question is over 700m from the centre of the proposed maintenance dredging area at Passage West (Figure 5) and approximately 550m from the nearest boundary;
3. The map entitled "Estuary Navigation Channel" was produced by the Department of Agriculture, Food and Marine (DAFM). The areas in red queried, "applications", are in reference to areas of the estuary where aquaculture licenses were sought in 2017/18. These areas have no connection whatsoever to the proposed maintenance dredging areas proposed, which is outlined in the Port of Waterford's application charts (Figure 1-8). Subsequently, the DAFM issued aquaculture licenses in 2018 and we have attached the updated map to this letter. It should be noted that no aquaculture areas were licensed in close proximity to [REDACTED] weir as they would have been located in the designated navigation channel to the Port. Historic aquaculture licenses that are located within the navigation channel were renewed. However, all new licenses are placed a suitable distance from the designated navigation channel to ensure the activities do not impact each other.
4. It is stated that the Port does not describe within Section 4.4 of the application any measures to minimise inconvenience to other users. This is due to the fact that no inconveniences to the public or other foreshore users are foreseen from the maintenance dredging works. The craft used are generally mobile vessels. They are under the direction of the Harbour Master, who has jurisdiction over the marine waters within the estuary. The dredger gives way to other trade vessels and, where appropriate, other third party vessels, (e.g. Passage East-Ballyhack ferry).

The dredging operations are only undertaken approximately 25 days per year (circa 7%) and the application tonnage applied for at the Passage East area only accounts for approximately 2% of the total tonnage applied for. The dredging has been undertaken by the described method for many decades and no objections/inconveniences have been noted by the Port during this time from any other foreshore user. However, should [REDACTED] outline how the necessary maintenance dredging may inconvenience [REDACTED], the Port can provide further comment.

5. It is stated that the Ports response in Section 4.5 is deficient. Following a review of the Natura Impact Statement and other environmental assessments/reports, no impacts were foreseen on adjacent marine-based landowners. Also, due to the fact that the weir in question is over 500m from the proposed minor maintenance area, the weir was deemed by the Port to be not an adjacent area. Therefore, no consultation was undertaken. However, the Port of Waterford would welcome any further comment from [REDACTED] in any form, to alleviate [REDACTED] concerns regarding the Port of Waterford's necessary maintenance activities to support the ongoing facilitation of trade and supply chain of goods in the South East region.
6. The submission refers to the Port's SEA Environmental Report. This report refers to potential master planning projects that may or may not be required over the next 25 years and does not form any part of the foreshore application under consideration. Should any of these projects be progressed they would need to acquire the necessary permissions/permits/licenses through separate and individual applications.
7. The necessary dredging operation has been undertaken by the proposed method for many decades and all practical measures are taken to ensure that activities do not impact any other users of the estuary/foreshore. The proposed maintenance areas have already been assessed by the Environmental Protection Agency and a Dumping at Sea permit (S0012-03) was subsequently granted in January 2020 permitting the proposed works to be undertaken as described.

I hope the above responses alleviate the concerns of [REDACTED] and the department finds the contents of value.

Yours sincerely,

[REDACTED]  
Captain [REDACTED]

Harbour Master, Port of Waterford.



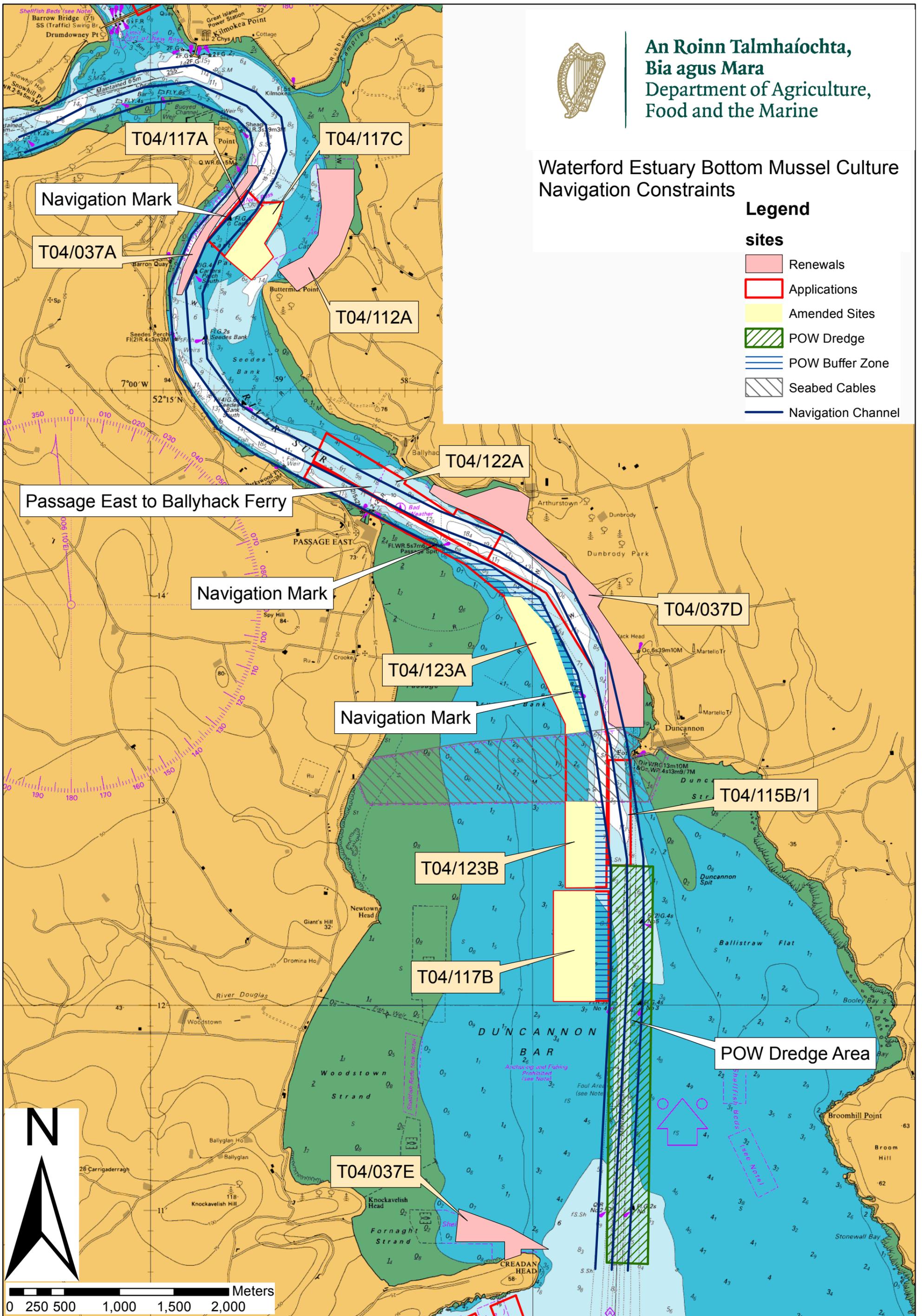
**An Roinn Talmhaíochta,  
Bia agus Mara**  
Department of Agriculture,  
Food and the Marine

**Waterford Estuary Bottom Mussel Culture  
Navigation Constraints**

**Legend**

**sites**

- Renewals
- Applications
- Amended Sites
- POW Dredge
- POW Buffer Zone
- Seabed Cables
- Navigation Channel



The Marine, Planning & Foreshore Section  
Department of Housing, Planning & Local Government  
Newtown Road  
Wexford  
Co. Wexford

16<sup>th</sup> June 2020

Dear [REDACTED]

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I hope the above responses alleviate the concerns of [REDACTED] and the department finds the contents of value.

Yours sincerely,

[REDACTED]  
Captain [REDACTED]

Harbour Master, Port of Waterford.



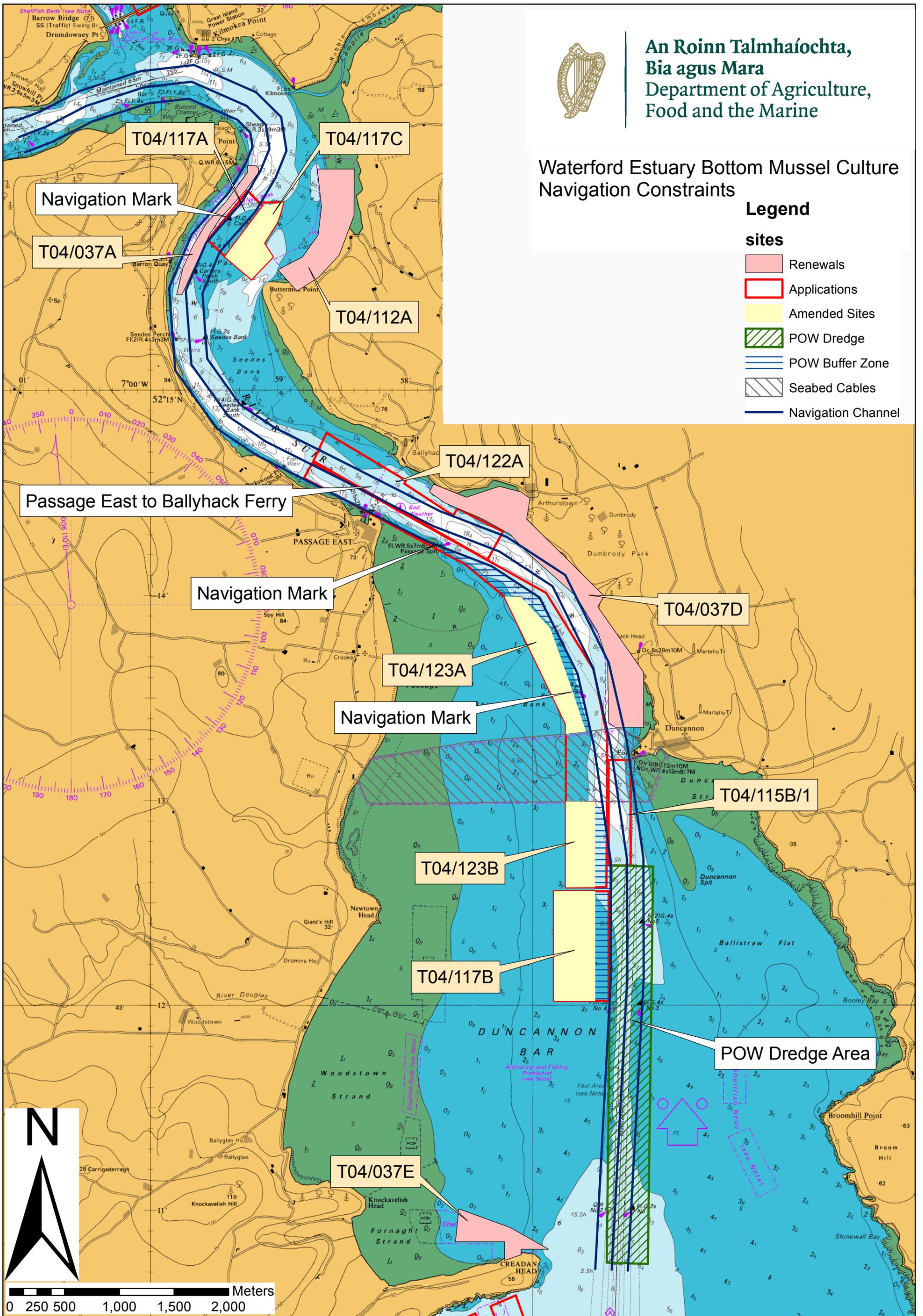
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**Waterford Estuary Bottom Mussel Culture  
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- Renewals
- Applications
- Amended Sites
- POW Dredge
- POW Buffer Zone
- Seabed Cables
- Navigation Channel



██████████ BCL .  
██████████ BA.  
██████████ BA, LLB.  
██████████, Notary Public.  
██████████ - Legal Executive.  
██████████ - Legal Executive.

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The Marine, Planning & Foreshore Section  
Department of Housing, Planning & Local Government  
Newtown Road  
Wexford  
Co. Wexford  
By Post and Email Only – [foreshore@housing.gov.ie](mailto:foreshore@housing.gov.ie)

Our Ref: COD/AC/HEJ106103  
Your Ref:  
Date: 3<sup>rd</sup> July 2019

Re: **Reference Number-FS006684- Port of Waterford Dredging**  
**Our Client –** ██████████

Dear Sirs,

We refer to the Port of Waterford Company's application for a licences to carry out dredging under the above referenced application. We act on behalf of our above named client, who is the registered owner of a fishing weir located just up river from ██████████. We wish to make a submission on ██████ behalf.

We enclose the following in this regard:-

1. Copy Deed of Conveyance and Assignment dated ██████████ – Port of Waterford Company of the one part and ██████████ (our ██████████ of the other part).
2. Copy Deed of Assent dated ██████████ – ██████████ and ██████████ of the one part as Legal Per Reps of ██████████ to ██████████

You will note that the location of our client's weir is marked on the map attached to the ██████████ Deed, being coloured blue thereon.

Our client has some concerns in relation to the proposed dredging works with regard to its possible impact on ██████ weir.

We have inspected the application documents online on the Department of Housing, Planning and Local Government website and while the dredge overview map (Figure 1 on the relevant website), and the map which shows the areas off Passage East where it is proposed to dredge (Figure 5), do not include our client's weir, the map entitled "Estuary Navigation Channel" (which would be figure 10 had the sequencing been continued), shows an area which would, it seems, if not include our client's weir, be very close to same. We **enclose** a copy of this map which shows an area outlined in red which from the relevant key signifies "Applications". Our client and indeed ourselves, do not understand what "Applications" means in this context as this map does not correspond with the areas marked on the various maps showing the areas where dredging is planned. Could you please explain the apparent discrepancy to us.

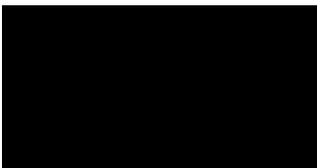
Furthermore, the submitted Application Form, at Part 2.5 thereof, states that none of the foreshore in the proposed site is in private ownership- this may be correct but, depending on the mapping issue raised above, it may not. The reply to Part 4.4 is certainly deficient in our view as it does not detail any measures "proposed to minimise inconvenience to others" as is required, our client being such a person. The same comment must be made regarding Part 4.5.

Our client obviously would have concerns that dredging would have an impact on the integrity of [REDACTED] weir and indeed [REDACTED] enjoyment and use of same and this would particularly be the case if the dredging was to be carried out as per the last referenced map. The relevant SEA Environmental Report notes that channel widening and related dredging can impact on fisheries in the area and it is also acknowledged that there can be impacts on areas neighbouring where the dredging itself is to take place.

We would be grateful if you would please note our client's concerns and indeed if you could revert to us with an explanation of the apparent discrepancy between the maps referred to herein.

Finally, can you please acknowledge receipt of this submission.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

Heffernan Foskin