

Submission HLG 00259-22: FS007223 Dundalk Port Maintenance Dredging

TO: Minister of State Burke
STATUS: Completed
PURPOSE: For Decision

AUTHOR:
OWNER:
REVIEWERS:



Nina Murray (Housing)

DIVISION: Foreshore
DECISION BY: 08/06/2022

Final comment

Approved by Minister Burke 8/6/2022

Action required

Ministerial approval is sought to grant a Foreshore Licence to O'Hanlon & Sons under section 3 of the Foreshore Act 1933, as amended.

Executive summary

The approval of the Minister is sought to grant a Foreshore Licence to O'Hanlon & Sons under section 3 of the Foreshore Act 1933, as amended for a term of for a term of 10 years, to carry out maintenance dredging to restore depth in the navigation channel for safe vessel access to and from Dundalk Port, County Louth.

Detailed information

Detailed Information

O'Hanlon & Sons have applied to the Department of Housing, Local Government and Heritage for a Foreshore Licence under Section 3 of the Foreshore Act 1933, as amended, for a duration of 10 years from 2022 to 2031 inclusive, to carry out maintenance dredging to restore depth in the navigation channel for safe vessel access to and from Dundalk Port, County Louth.

Dundalk Port is owned by Dublin Port Company (DPC) and leased to O'Hanlon and Sons. Due to ongoing sediment accretion in the approaches to Dundalk Port, vessel access has become limited. This is having a negative impact on the Port's trade and therefore maintenance dredging is required in the areas of Soldiers Point, and Buoy 15 to restore depth in the channel and safe vessel access. The remaining commercial ports are categorised as Ports of Regional Significance. Dundalk Port is a commercial port categorised as a Port of Regional Significance in the National Ports Policy, the policy is to facilitate a competitive and effective market for maritime transport services in Ireland.

Location: Navigational channel to and from Dundalk Port, County Louth

Brief Description of the proposed works

It is proposed to carry out maintenance dredging in the areas of Soldiers Point, and Buoy 15 in the navigation channel to/from Dundalk Port. A hydrographic survey was completed in the navigation channel in September 2020 and the depths over the area to be dredged ranges up to 0.8m above Chart Datum, severely restricting tidal access to the Port. It is planned to dredge the sea-bed to at least 0mCD and if possible restore the historical navigation levels of 0.75m below CD during the maintenance dredging operations. The estimated volume of material to be removed is 5,000m³ per year. It is proposed that the Foreshore License will run for a 10 year period from 2022 to 2031 inclusive. The applicant proposes to use Trailer Suction Hopper Dredger (TSHD) "Argus" (or similar) to carry out the dredging operations.

The works will be undertaken by industry best practice including the following measures:

- Dredging will be undertaken as efficiently as possible so that the number of dredger movements is minimized;

- There would be no ancillary waste deposited into the sea from the dredger at any time;
- Maintaining a low speed during dredging;
- Bilge water and waste water from the dredger would be brought onshore for proper removal and disposal by a licensed waste contractor;
- Contractors working on site during the operation would be responsible for the collection, control and disposal of all wastes generated by the works;
- Refuelling of the dredging vessel would take place at the quayside using suitable hoses etc. to avoid any spillages; and
- Dredging would be carried out over a period outside of the months of March to May, which is the migratory period of juvenile salmon (smolts).

The material (primarily clean fine to medium sand with an average grain size of 0.21mm) to be dredged is good quality sediment and will be landed ashore at Dundalk Port for beneficial reuse.

The proposed area of foreshore associated with the works is 8.72Ha.

Further details of the proposed development are outlined in the application form and associated documents submitted by O'Hanlon & Sons and can be found at the following link www.housing.gov.ie or <https://www.gov.ie/en/foreshore-notice/6387a-dundalk-port-maintenance-dredging/>

The application form submitted by O'Hanlon & Sons is attached at **Tab 1**. Foreshore Licence map is attached at **Tab 2**.

- Map No: **595-FL-5 Rev O** entitled **Foreshore Licence Map** and Dated **24/05/2021**

Companion Consents

No marine disposal permit is required for this activity so a Dumping at Sea permit is not being required or sought from the Environmental Protection Agency (EPA).

Planning Permission under the Planning and Development Act 2000, as amended, is not required for this activity.

Public Consultation

The public consultation period ran from 20th of July 2021 to the 19th of August 2021.

The public notice appeared in the "Irish Daily Star" and "Dundalk Democrat" newspapers of 20th July 2021 and the application documentation was made available for inspection by the public at Louth County Council, Crowe St, Townparks, Dundalk, Co. Louth and Dundalk Garda Station, The Crescent, Demesne, Dundalk, Co. Louth for the full public consultation period.

During the Public Consultation period there was no submissions made by members of the public.

Prescribed Bodies Consultation

Written submissions on the proposed project were requested and received from:

- Department of Housing, Local Government and Heritage (Marine Advisor)
- Department of Housing, Local Government and Heritage (Underwater Archaeology)
- Department of Agriculture Food and the Marine (Aquaculture)
- Marine Institute
- Inland Fisheries Ireland
- Sea Fisheries Protection Authority
- Marine Survey Office
- Department of Housing, Local Government and Heritage (Nature Conservation) - No response was received from the (Nature Conservation).

The prescribed bodies that responded confirmed no objection to the project as set out in the application documentation. A number of submissions from the prescribed bodies raised particular observations and put forward suggested conditions to be included in any foreshore licence, if granted, to address their specific interests (**Tab 3**).

Detailed responses to the prescribed bodies observations were received from the applicant and these have been considered as part

of the overall assessment of the proposed application by the MLVC. The applicant's responses to the prescribed bodies' observations are attached at **Tab 4**.

Environmental Assessments

Independent Environmental Consultant (IEC):

In addition to the Department's in-house Marine Advisor (environment), the Department engaged **Ove Arup & Partners Ireland Ltd** with Hartley Anderson Limited as IEC to provide assistance with regard to the statutory and non-statutory environmental assessments of this Foreshore Licence application. The IEC conducted independent assessments of the information provided by the Applicant, having regard to the Habitats Directive, the Birds and Natural Habitats Regulations and the public and prescribed bodies consultations. The following reports have been submitted:

- Screening for Appropriate Assessment Report dated January 2022 - **Tab 5**
- Risk Assessment of effects to Annex IV Species Report (referred to as Article 12 Risk Assessment report by IEC) dated February 2022 - **Tab 6**
- Environmental Report Non-Statutory dated February 2022 - **Tab 7**
- NMPF Policy Compliance Assessment – **Tab 8**

Screening for Appropriate Assessment

As part of the assessment of the foreshore licence application, the Independent Environmental Consultant was requested to undertake a Screening for Appropriate Assessment (Stage 1) and if required, an Appropriate Assessment (stage 2), of the likelihood of significant impact on European sites from the proposed works in the application for a foreshore licence.

A number of application documents have informed the Screening for Appropriate Assessment and are linked below and can also be found on the Departments website at:

<https://www.gov.ie/en/foreshore-notice/6387a-dundalk-port-maintenance-dredging/>

The Independent Environmental Consultant completed a 'Screening for Appropriate Assessment Report' in January 2022, which concluded that the proposed project, either individually or in combination with other plans or projects, will not have a significant effect on any European site, therefore a stage 2 Appropriate Assessment was not required. The Screening for Appropriate Assessment Report is at **Tab 5**.

Having considered the application by O'Hanlon & Sons, the IEC's Screening for Appropriate Assessment Report and the Departments Marine Advisor's (environment) Environmental Report dated 22/03/2022 **Tab 9**. The MLVC accepts and adopts the IEC's Appropriate Assessment Report and its conclusions.

Screening for Appropriate Assessment Determination:

Minister of State Burke, upon a review of all materials of the application and recommendation made by Department's Recommending Officer (Environment) accepted and adopted the Screening for Appropriate Assessment and its conclusions and made the following determination on **13 April 2022**. **Related submissions link:**

<https://housing.cloud.gov.ie/apps/eSubmissions/Submissions/HLG%2000165-22>

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department of Housing, Local Government and Heritage has undertaken Screening for Appropriate Assessment (AA) to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the proposed project to dredge the navigation channel at Soldier's Point and near Buoy 15, individually or in combination with other plans or projects, would be likely to have a significant effect (s) on a European site(s).

In accordance with Regulation 42(7) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage has made a determination following screening that an Appropriate Assessment is not required as the project, individually or in combination with other plans or projects, is not likely to have a significant effect on any European site. The risk of likely significant effects on European sites can be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed

development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites. (Tab 10)

In addition to the Screening for Appropriate Assessment, and with respect to the Habitats Directive 92/43/EEC, a risk assessment of the effects to species listed in Annex IV which occurs within the project site was undertaken (*referred to as Article 12 Risk Assessment, by the Independent Environmental Consultants*). The risk assessment of effects to species listed in Annex IV is separate to and does not form part of the Appropriate Assessment Screening report which has examined the European sites and their qualifying interests.

It was concluded that “the proposed dredging works will not give rise to the capture, killing or disturbance to species listed in Annex IV of the Habitats Directive” This Report is attached at **Tab 6**. The MLVC accepts and adopts this report and its conclusion.

Environmental Impact Assessment EIA Regulations

The proposed project does not fall within the class defined under Annex I or Annex II of the EIA Directive. The Consent Authority (DHLGH), Marine Advisor (environment), completed an examination for EIA as part of obligations. The MLVC agrees with this recommendation and it has been considered as part of the assessment and these findings are also adopted. The Departments Marine Advisors (environment) EIA Screening Examination document is attached at **Tab 9**.

Non-statutory Environmental Report

A Non-statutory Environmental Report was prepared by the Independent Environmental Consultant (**Tab7**) which concluded that due to the nature, scale and location of the proposed maintenance dredging is such that, with the implementation of the proposed mitigation measures and the recommended condition, there is no real likelihood of significant effects on the environment arising from it. Having considered this report the MLVC has considered that a valid assessment has been undertaken and that this report forms part of the overall assessment of the proposed application.

National Marine Planning Framework (NMPF)

An NMPF Policy Compliance Assessment Report (**Tab 8**) was prepared by the Independent Environmental Consultant. Having considered the IEC’s report and its conclusions and having reviewed and assessed this application for maintenance dredging against the objectives of the NMPF, the MLVC is satisfied the proposed works do not act significantly against any objective within the NMPF. Furthermore, the project is aligned and secures key sectoral/activity objectives set out in Section 18 under Ports, Harbours and Shipping. Accordingly, the proposed maintenance dredging is aligned with, and secures the relevant objectives set out in the NMPF.

Marine Licence Vetting Committee (MLVC)

The Marine Licence Vetting Committee Report is attached at **Tab 11**. The following submitted documentation were considered by the MLVC:

The following documents were considered and assessed:

- [FS007223 Application Form](#)

<!--[endif]-->

- <!--[endif]-->[FS007223 Dundalk Harbour Navigational Channel Stability Study](#)
- <!--[endif]-->[FS007223 Foreshore Licence Map \(Admiralty\)](#)
- <!--[endif]-->[FS007223 Foreshore Licence Map \(OS\)](#)
- <!--[endif]-->[FS007223 Natura Impact Statement](#)
- <!--[endif]-->[FS007223 Sediment Sampling EPA Threshold Comparison](#)

- <!--[endif]-->FS007223 Supporting Documentation
- <!--[endif]-->Prescribed Bodies Observations
- <!--[endif]-->Applicant's Response to Prescribed Bodies Observations

Independent Environmental Consultants submissions including:

- Environmental Report (Non-Statutory)
- Screening for Appropriate Assessment Report
- Article 12 Risk Assessment
- National Marine Planning Framework Policy Compliance Assessment

if !supportLists]-->• **Department of Housing, Local Government and Heritage Marine Advisor (environment) Reports:**

- Screening Stage Environmental Report
- EIA Screening Examination
- Screening Determination for Appropriate Assessment
- Environmental Assessment and Determinations Report annexed to the MLVC report

MLVC Conclusions and Recommendation:

Dundalk port is an active and commercial port. The maintenance of safe navigation is a vital health and safety matter for the safe and continued use of Dundalk Harbour. Given the hydrological processes in the local marine area, regular dredging is required and this application is for the continuation of this necessary activity.

The MLVC reviewed the technical, scientific and environmental aspects of the documentation submitted by the applicant. The MLVC is satisfied that the purpose and objective of the proposed works on the foreshore are adequately explained.

In addition, the MLVC is satisfied that the environmental information provided is sufficient to allow an assessment of the environmental effects of the proposed development to be carried out and to make a recommendation.

In its consideration of the case, the MVLC has responded to the issues raised during the prescribed bodies and public consultations by way of site specific conditions. The necessary consideration of enviornmental matters, including by the Departments Marine Advisor (environment), has been comprehensively undertaken and it is concluded that from an environmental directive compliance the proposed application is appropriate and acceptable. The MLVC Report, dated 19/04/2022 that includes the Marine Advisor (environment) report dated 13th April 2022, is attached at **Tab 11** for acceptance.

The MLVC concludes that, subject to compliance with the specific conditions set out, including those suggested by the Marine Advisor (environment), the proposed works would not adversely affect Fishing, Navigation or the Environment is in the Public Interest. Therefore, the MLVC recommends that the Minster issues a Foreshore Licence to O'Hanlon and Sons to carry out maintenance dredging at Dundalk Port, Co. Louth. Any Foreshore Licence issued shall be subject to the appropriate conditions attached at **Tab 12**.

Agreement of the Applicant

O'Hanlon and Sons have agreed to the recommended site specific conditions, which will be attached to the licence, if granted.

Financial Considerations

O'Hanlon and Sons have agreed to pay a once off fee of **€950.00 (Nine Hundred and Fifty Euro)**.

Basis for Recommendation

Having regard to:

if !supportLists]-->• <!--[endif]-->The application, together with accompanying documentation;

if !supportLists]-->• <!--[endif]-->The submissions received from prescribed bodies (statutory consultees);

if !supportLists-->● <!--[endif]-->The public consultation undertaken;

if !supportLists-->● <!--[endif]-->The applicants responses to the prescribed bodies observations;

if !supportLists-->● <!--[endif]-->Environmental Report (Non-Statutory) prepared by the Independent Environmental Consultants.

if !supportLists-->● <!--[endif]-->Screening for Appropriate Assessment Report prepared by the Independent Environmental Consultants.

if !supportLists-->● <!--[endif]-->Article 12 Risk Assessment prepared by the Independent Environmental Consultants.

if !supportLists-->● <!--[endif]-->National Marine Planning Framework Policy Compliance Assessment prepared by the Independent Environmental Consultants.

if !supportLists-->● <!--[endif]-->Screening Stage Environmental Report prepared by the Departments Marine Advisor (Environment).

if !supportLists-->● <!--[endif]-->EIA Screening Examination prepared by the Departments Marine Advisor (Environment)

if !supportLists-->● <!--[endif]-->Screening Determination for Appropriate Assessment prepared by the Departments Marine Advisor (Environment).

if !supportLists-->● <!--[endif]-->Environmental Assessment and Determinations Report prepared by the Departments Marine Advisor (Environment).

if !supportLists-->● <!--[endif]-->The assessment of the proposed development by the MLVC, its conclusions and recommendations in this regard; and

if !supportLists-->● <!--[endif]-->The consent conditions to be attached to the foreshore licence, if granted.

It is considered that the proposed works would will not adversely affect Fishing, Navigation or the Environment is in the Public Interest.

It is recommended that a foreshore licence be granted to the O'Hanlon and Sons subject to the conditions recommended by the MLVC, and the financial considerations set out above.

Notification of Ministerial Determination

If approval is granted by the Minister, O'Hanlon and Sons will be informed accordingly, an appropriate licence will issue for execution, and a Notice of Determination regarding the decision (including the reasons) will be published on the Department's website.

The Notice of Determination will address:

if !supportLists-->● <!--[endif]-->The outcome of the Minister's determination of the application.

if !supportLists-->● <!--[endif]-->The main reasons and considerations for the Minister's determination.

if !supportLists-->● A statement that all relevant documentation on which the determination is based is available for inspection on the website of this Department and at the Department's Wexford office.

if !supportLists-->● <!--[endif]-->Confirmation that a review procedure is available before the High Court whereby the substantive or procedural legality of the Minister's determination may be challenged, together with practical information on the review procedure.

Submitted for approval, to grant a Foreshore Licence to O'Hanlon and Sons to carry out maintenance dredging at Dundalk Port, Co.

Louth.

Related submissions

There are no related submissions.

User details

INVOLVED:

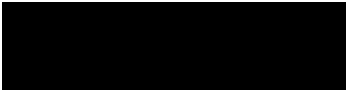


Nina Murray (Housing)
eSub MOS Burke Office
eSub MOS Burke

READ RECEIPT:



Nina Murray (Housing)



Submission HLG 00401-22: Addendum to approval to grant a Foreshore Licence under Section 3 of the Foreshore Act 1933 (as amended)

TO: Minister of State Burke
STATUS: Completed
PURPOSE: For Decision

AUTHOR:
OWNER:
REVIEWERS:



Nina Murray (Housing)

DIVISION: Foreshore
DECISION BY: 16/09/2022

Final comment

Approved by Minister, 16/09/2022

Action required

Minister to approve this addendum to be attached to Submission HLG 00199-22

Executive summary

The approval of the Minister is sought to grant a Foreshore Licence to O'Hanlon & Sons Contractors Limited under section 3 of the Foreshore Act 1933, as amended for a term of 10 years, to carry out maintenance dredging to restore depth in the navigation channel for safe vessel access to and from Dundalk Port, County Louth.

Approval in principle was granted on 08/06/2022 [HLG 00259-22](#)

Within submission [HLG 00259-22](#) the Applicant's name was listed as "O'Hanlon & Sons" as this was the company name provided by the applicant. However no such company has been registered with the CRO. The Applicant's appropriate legal name as registered with the Companies Registration Office is O'Hanlon & Sons Contractors Limited.

Approval is now sought to issue licence based on this consent under the new name of O'Hanlon & Sons Contractors Limited.

Detailed information

The approval of the Minister is sought to grant a Foreshore Licence to O'Hanlon & Sons Contractors Limited under section 3 of the Foreshore Act 1933, as amended for a term of 10 years, to carry out maintenance dredging to restore depth in the navigation channel for safe vessel access to and from Dundalk Port, County Louth.

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Related submissions

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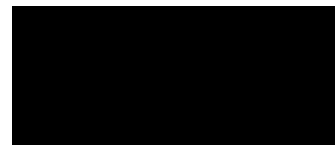
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Nina Murray (Housing)

