



**An Roinn**  
**Ealaíon, Oidhreachta agus Gaeltachta**  

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**Department of**  
**Arts, Heritage and the Gaeltacht**

27<sup>th</sup> January 2012

Director of Services – Planning,  
Louth County Council  
County Hall,  
Millennium Building,  
Dundalk,  
Co. Louth

**Your Ref: PL EIA Ferry**

**Our Ref: G Pre0006/2012**

**Re: EIS scoping for Vehicle ferry from Greenore, slipway, berthing facilities, ticket office and off-road queuing area.**

A Chara,

I refer to your letter of 22<sup>nd</sup> December seeking consultation in relation to the above proposal. Please find hereunder the recommendations of the Department of Arts, Heritage and the Gaeltacht (National Parks and Wildlife Service (NPWS) – ecology/nature conservation and National Monuments Service - archaeology)

***Archaeology***

Ireland has a long and varied maritime history with extensive records for shipwrecks along its coast, rivers, lakes and offshore waters. The Underwater Archaeology Unit (UAU) is in the process of compiling an inventory of shipwrecks for the coastal waters of Ireland, the records from which are stored in a shipwreck inventory database and housed in the UAU archive. The Shipwreck Database is accessible through the Archive Unit of the National Monuments Service. Over 12,000 wrecks have been recorded to date with over 120 shipwrecks listed for the Carlingford Lough area with a dense concentration recorded in or near Carlingford Bar and its approaches. Though earlier sources have been included where obtainable, the Inventory is largely based on documentary sources available from after 1700AD. As such, previously unrecorded shipwreck sites, including those dating to earlier periods, may await discovery in or around Greenore. Other forms of maritime archaeology may survive in the tidal waters of the Lough in the form of abandoned vernacular craft, ports, harbours, piers and jetties, coastal habitations, fortifications, anchors, fish traps, shell middens, kelp grids and the material traces of any activities in the past that involved the exploitation of the coastal and maritime resource.

Many of these site types are protected and can be identified from the Record of Monuments and Places for the relevant county and in the relevant Urban Archaeology Survey. Similarly, previously unrecorded archaeological sites other than wrecks may also lie undiscovered at Greenore Port.

The 1987 and 1994 (Amendment) Acts of the National Monuments Act 1930 – 2004 specifically address the protection of underwater archaeology. All wrecks over 100 years old and archaeological objects underwater are protected under the legislation and significant wrecks less than one hundred years old can be designated by Underwater Heritage Order on account of their historical, archaeological or artistic importance. Under the legislation diving on protected wreck sites or with the intention of searching for archaeological material underwater is subject to licensing requirements. Likewise, the use of detection devices, such as hand held metal detectors,

geophysical surveying equipment, video or other camera equipment with locational devices attached, on protected sites underwater or for the purpose of prospecting for archaeology requires a specific detection device licence. Under the National Monuments Act it is obligatory to report all discoveries of archaeological objects and wrecks over 100 years old within 4 days of discovery. Dive and detection device licence application forms are available through the Department's web site ([www.archaeology.ie](http://www.archaeology.ie)).

The works proposed for this development have the potential to negatively impact on known or potential submerged or buried archaeology and there will be a need for an appropriate level of archaeological assessment of the proposed construction works. It is therefore recommended that a full Underwater Archaeological Impact Assessment be carried out as part of the Environmental Impact Assessment with the results of the assessment forwarded to this office for review. This will enable the Department to make an informed archaeological recommendation before a planning decision is made. The overall policies set out in the Framework and Principles for the Protection of the Archaeological Heritage ([www.archaeology.ie](http://www.archaeology.ie)) are applicable to the type of development under consideration here and should form the basis for dealing with its archaeological implications.

Underwater Archaeological Impact Assessment shall be compiled as follows;

1. The applicant is required to engage the services of a suitably qualified archaeologist to carry out an underwater archaeological assessment of the potential impacts of the development/proposed works on known or potential archaeology.
2. The assessment shall comprise of a detailed desktop study, with the archaeologist carrying out any relevant documentary research including consulting with the Shipwreck Inventory of Ireland, the Record of Monuments and Places and the Ports and Harbours Archive, all of which are held by the Department of Arts, Heritage and the Gaeltacht. Local sources and the Topographical Files held by the National Museum of Ireland shall also be consulted.
3. The archaeologist should carry out an intertidal survey and dive survey (if necessary) of the proposed works. The intertidal and dive surveys should be licensed under the National Monuments Acts 1930-2004. The licence should be applied for by an archaeologist suitably qualified in maritime archaeology.
4. Having completed the assessment, the report shall be included as part of the EIA. The report shall put forward definitive recommendations to mitigate against impacts on identified or potential archaeological remains. Such an assessment will need to consider not just known sites but also areas of archaeological potential.
5. Where archaeological material/features are shown to be present, preservation *in situ*/avoidance or further archaeological mitigation (e.g. excavation and/or monitoring) may be required.

### **Nature Conservation**

With regard to the EIA for this proposed development an ecological survey should be carried out of the proposed development site to survey the habitats and species present. Such surveys should be carried out by suitably qualified persons at an appropriate time of the year depending on the species being surveyed for. The EIS should include the results of the surveys. With regard to any existing records the data of the National Parks and Wildlife Service (NPWS) should be consulted at [www.npws.ie](http://www.npws.ie) and the data of the National Biodiversity Data Centre at <http://www.biodiversityireland.ie/>.

Birdwatch Ireland may also have data from local sources relating to this site. Reference should be made in the EIS to the National Biodiversity Plan and any County Biodiversity Plans. The EIS should also address the issue of invasive alien species, such as Japanese Knotweed, and detail the methods required to ensure they are not accidentally introduced or spread during construction.

The impact of the development on the flora, fauna and habitats present should be assessed. In particular the impact of the proposed development should be assessed with regard to:

- Natura 2000 sites, i.e. Special Areas of Conservation (SAC) designated under the EC Habitats Directive (Council Directive 92/42/EEC) and Special Protection Areas designated under the EC Birds Directive (Council Directive 79/409 EEC),
- Other designated sites, or sites proposed for designation, such as Natural Heritage Areas, Nature Reserves and Refuges for Fauna or Flora, designated under the Wildlife Acts of 1976 and 2000,
- Habitats listed on annex I of the Habitats Directive,
- Species listed on Annexes II and IV of the Habitats Directive,
- Habitats important for birds,
- Birds listed on Annex I of the EC Birds Directive,
- Species protected under the Wildlife Acts including protected flora,
- Habitats that can be considered to be corridors or stepping stones for the purpose of article 10 of the Habitats Directive,
- Red data book species,
- and biodiversity in general.

In order to assess the above impacts it may be necessary to obtain hydrological and/or geological data. The EIA should assess cumulative impacts with other plans or projects if applicable. In particular the assessment of cumulative impacts should include developments such as aquaculture and jet skiing and a proposed extension to Greenore Port. Where negative impacts are identified suitable mitigation measures should be detailed if appropriate.

Where there are impacts on protected species and their habitats, resting or breeding places, licenses may be required under the Wildlife Acts or derogations under the Habitats Regulations. In particular the methodology for the construction of the pier and any dredging necessary should be outlined and the impact on marine mammals should be assessed. Further information on protected marine species and habitats and licenses required can be found at [www.npws.ie/marine/](http://www.npws.ie/marine/).

With regard to Carlingford Lough SPA we understand you have already been in contact with Dr. Tierney re survey requirements for birds.

With regard to the onshore portion of the works you should note that bats and otters are strictly protected under annex IV of the Habitats Directive and a copy of Circular Letter NPWS 2/07 entitled "Guidance on Compliance with Regulation 23 of the Habitats Regulations 1997 – strict protection of certain species/applications for derogation licences" can be found on our web site at <http://www.npws.ie/planning/appropriateassessment/>. In addition licenses will be required if there are any impacts on other protected species and their breeding and resting places such as on protected plants, badgers and their setts, otters and their holts or birds and their nests. Where possible hedges and trees should not be removed during the nesting season (i.e. March 1<sup>st</sup> to August 31<sup>st</sup>). Bird's nests can only be intentionally destroyed under licence issued under the Wildlife Acts of 1976 and 2000. In order to apply for any such licenses or derogations as mentioned above a detailed survey should be submitted to NPWS which should have been carried out by appropriately qualified person/s.

Because this project has the potential to impact on Natura 2000 sites, particularly Carlingford Shore candidate cSAC (site code 002306) and Carlingford Lough SPA (site code 004078), in accordance with article 6.3 of the Habitats Directive, this project should be subject to appropriate assessment screening of its implications for the site in view of the sites conservation objectives. We refer you to the Departmental guidance document on Appropriate Assessment, which was launched by the Minister on 10<sup>th</sup> December 2009 and since revised. It is available on the NPWS web site at <http://www.npws.ie/media/npws/publications/codesofpractice/AA%20Guidance%2010-12-09.pdf>.

We also refer you to the EU Commission guidance entitled “*Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*”

which can be downloaded from

[http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura\\_2000\\_assess\\_e\\_n.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_e_n.pdf).

In order to carry out the appropriate assessment you will need to collect information about the relevant Natura 2000 sites including their conservation objectives. Details of designated sites and species can be found on [www.npws.ie](http://www.npws.ie) while conservation objectives, if not yet available on our web site, can be obtained by requesting them by completing the data request form on our website at <http://www.npws.ie/media/npws/publications/Data%20request%20form.doc>.

We recommend that you consult with the relevant Local Authorities to determine if there are any projects or plans which alone or in combination could impact on any Natura sites

Kindly forward any further information to the following address (*NB change of address for your records & for future written communications*):

The Manager,  
Development Applications Unit,  
Department of Arts, Heritage and the Gaeltacht,  
Newtown Road,  
Wexford.

Alternatively, documentation associated with the above can be referred electronically to the DAU at the following address:

[manager.dau@ahg.gov.ie](mailto:manager.dau@ahg.gov.ie)

In addition, please acknowledge receipt of these observations by return to the above email address, entering G Pre0006/2012 in the ‘Subject’ cell.

Mise le meas,



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