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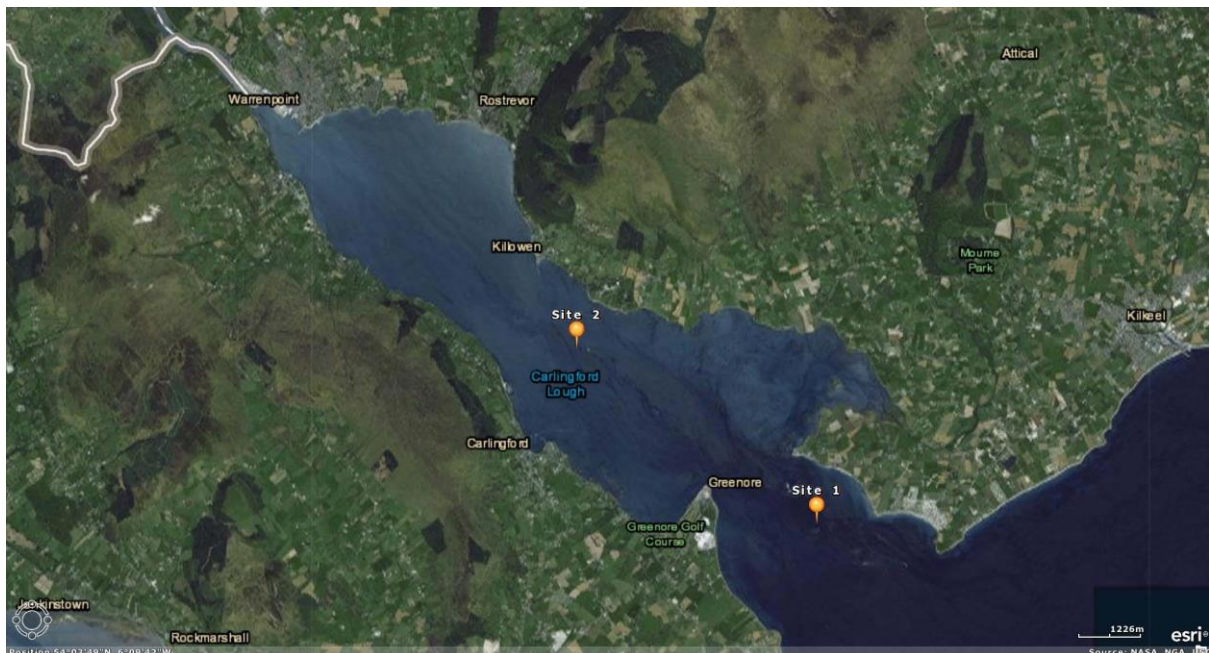
Mr. Terry SHERIDAN, Principal Officer  
Department of Housing, Planning & Local Government  
Custom House, Custom House Quay  
DUBLIN 1

terry.sheridan@housing.gov.ie; transboundaryeia@housing.gov.ie

Re: Dredging Disposal at Carlingford Lough

Dear Mr. Sheridan;

We are concerned that a proposal to dispose of dredged material from Warrenpoint Port in Carlingford Lough is being assessed without the necessary transboundary consultations, given that the proposed sites are within a short distance of the border between Northern Ireland and the Republic of Ireland as delineated as the navigation channel in the centre of this Lough.



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Company No. 326985. Charities Registration No. 20154530 Tel & Fax: 353 (0)27 74771 Email: [admin@friendsoftheirishenvironment.org](mailto:admin@friendsoftheirishenvironment.org)  
Trustees and Directors: Dave Johnston, Caroline Lewis, Tony Lowes, Ian Lumley Judy Osborne

Warrenpoint Port is seeking to identify a new site within Carlingford Lough for the placement of material arising from maintenance dredging. Warrenpoint Port is not owned by the Government but is required to operate in a commercial manner and is an independent statutory body governed by its own legislation.

At present the primary dredging campaign takes place every 5-6 years, covering all areas of the Port and the approach channel and requiring the disposal of up to 390,000 cubic metres of spoil. This is supplemented every 2 years with more localised dredging within the port. To date the material has been disposed of 26 miles from the port and 11 miles from the Lough in the open marine environment.

Analysis of the dredged material shows that levels of cadmium, chromium, nickel and zinc were detected above Action Level 1 with historical testing results showing limited elevated levels of some parameters above Action Level 1. While this was previously permitted in the open sea, the lower energy estuarine environment is an entirely different environment as contamination in the sediments will be mobilised into the water column and so have the potential to impact on flora and fauna receptors.

While the developers state that 'the proposed in-lough site is intended to be dispersive so only low levels of permanent deposition within the site are anticipated', the impact of this dispersal must be assessed. The proposed disposal sites are located respectively 560 metres from the principle foraging site of the Light-bellied Brent Geese and 620 metres from the second designated site, the only breeding site for Common and Sandwich terns in Carlingford Lough. Both of these sites are Special Protection Areas under the Birds Directive.

The impacts as identified in a Birdwatch submission could include, but are not limited to

- Disturbance to protected birdlife, both breeding and wintering
- Displacement of birds from areas of feeding
- Temporary or permanent habitat loss or change
- Pollution
- Siltation
- Indirect habitat loss through small scale changes in sediment structure
- Degradation of the quality of the surrounding marine environment
- Noise
- Increased erosion to protect Green Island due to wash from vessels

According to a submission by Bord Iascaigh Mhara [BIM], the Irish Sea Fisheries Board, the disposal of dredged material is 'extremely likely to have a significant effect on the environment by virtue of the type of material to be disposed of (Fine sediments with levels of cadmium, chromium, nickel and zinc above Action Level 1).' BIM suggests that the 'repeated nature of the proposed activity and the location of the project in a transboundary lough

adjacent to protected sites and aquaculture operations producing shellfish for human consumption, underlines the requirement for sufficient environmental assessment and consultation. Thus we feel that a full Environmental Impact Assessment [EIA] is required.' We attach a map of the existing listened aquaculture sites in the Lough and the dredging equipment involved.

Ulster Wildlife and Conservation Science of the Northern Ireland Environment Agency also recommends that a full EIA be carried out, the latter highlighting deterioration of water quality, changes to the benthic habitat affecting prey species, and noting that any decline in prey availability close to nesting sites would result in energetic costs to terns obtaining food from more distant sites potentially affecting breeding success.

The submission by the Dundalk Sub Aqua Diving Club highlights concerns over the kelp topped natural rock reefs starting at about 6 metres underwater, shelving down to a rocky sea bed at around 25 metres within 50 metres from one the proposed disposal sites. These reefs are host to many species and exhibit a richness of diversity of marine life in the Lough that appears to have been unrecorded to date. They note that no other dive locations that they regularly visit in Kerry, Donegal, Sligo, Galway, Cork & Antrim compare to 'the sheer diversity and density of life observed in Carlingford Lough'. We attach their indicative list of observed species to this letter.

Notwithstanding the proximity of the proposed dumping grounds to sites designated for protection under European legislation or the evidence of the richness of the biodiversity in the Lough, in July 2016 Anthony Bates Partnership, on behalf of Warrenpoint Port, submitted an EIA Screening Report to the Northern Ireland Department of Agriculture, Environmental and Rural Affairs [DAERA]. In February 2017 the Marine Management Division ruled that the designation of a new site for dredged material did not require an EIA.

This assessment decision did not consider the dredging of the material itself, in effect splitting off the activity without which the project would not exist.

If project splitting does not bring the dredging of material under the EIA Directive, the dredging itself should be considered under the provisions of the EIA Directive which requires that any assessment be completed in 'cumulation with other projects'.

While this activity is not listed in Annex I and Annex II of the EIA Directive as requiring mandatory EIA triggering cross-border assessment, the decision by the Marine Fisheries Division of the DAERA did not, according to correspondence issued by the Head of their Marine Division to Anthony Bates Partnership on 20 February 2017, address Annex III, sub-threshold projects where the sensitivity of the site and the nature, scale and location of the proposal requires EIA and thus mandatory cross-boundary consultation. Annex III specifically highlights projects located close to an international frontier which are:

'located in or close to an area of special environmental sensitivity or importance, such as wetlands designated under the Ramsar Convention, national parks, nature

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reserves, sites of special scientific interest, or sites of archaeological, cultural or historical importance’

‘Has particularly complex and potentially adverse effects, including those giving rise to serious effects on humans or on valued species or organisms, those which threaten the existing or potential use of an affected area and those causing additional loading which cannot be sustained by the carrying capacity of the environment’.

The terms of the Espoo Convention note that ‘Concerned Parties shall, at the initiative of any such Party, enter into discussions on whether one or more proposed activities not listed in Appendix I is or are likely to cause a significant adverse transboundary impact and thus should be treated as if it or they were so listed. Where those Parties so agree, the activity or activities shall be thus treated.’

Unfortunately, the Irish Ministers that were consulted did not comment on the proposal or seek to enter into discussions about the potential for a trans-boundary impact. In the case of our Department of Environment, Planning, Local Government, Marine Planning and Foreshore gave the grounds that ‘the main issues are the potential impacts on the aquaculture activities on the southern shore, which is a matter for the Department of Agriculture, Food and the Marine.’ That state body made no submissions, and nor did your Department or the National Parks and Wildlife Service under the Department of Culture, Heritage and the Gaeltacht.

Aside from the Government consultees listed, no notice was given to members of the public in the Republic of Ireland. The authorities failed to provide, in accordance with the provisions of the Espoo Convention, ‘an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities’. Nor have they ensured as required by this Convention that ‘the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.’

We seek your intervention in your role as point of contact for the Espoo Convention to assure compliance with European law and our international Treaty obligations so that public likely to be affected in our jurisdiction has the opportunity to have their concerns addressed in any decision related to the dumping of spoils in Carlingford Lough.

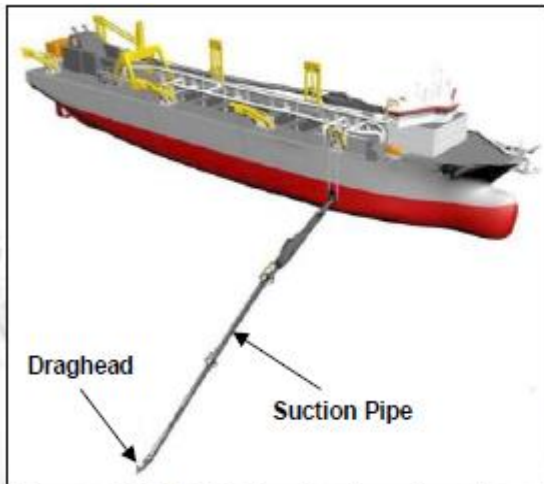
Yours etc.,

Tony Lowes,  
Director

22 October, 2018



Licensed aquaculture sites within Carlingford Lough



Draghead and suction pipe in operation and detail of a large draghead

<b>Illustrative list of species observed in Carlingford Lough by Dundalk Sub Aqua Club</b>		
<b>Group</b>	<b>Common Name</b>	<b>Observed?</b>
???	Maerl Beds	Yes
Plants	Sea grass	Yes
Anemones	Beadlet anemone	Yes
Anemones	Burrowing anemone	Yes
Anemones	Dahlia anemone	Yes
Anemones	Daisy anemone	Yes
Anemones	Fried egg or sandaled anemone	Yes
Anemones	Plumose anemone	Yes
Anemones	Sea loch anemone	Yes
Anemones	Snakelock's anemone	Yes
Anemones	White striped anemone	Yes
Bryozoa	Finger bryozoan	Yes
Bryozoa	Frosty sea mat	Yes
Bryozoa	Sea mat	Yes
Bryozoa	Stag horn bryozoan	Yes
Bryozoa	Twiggy Bryozoan	Yes
Corals	Dead men's fingers	Yes
Corals	Devonshire cup coral	Yes
Corals	Northern Sea fan	Yes
Crustaceans	Brown shrimp	Yes
Crustaceans	Common hermit crab	Yes
Crustaceans	Common lobster	Yes
Crustaceans	Common prawn	Yes
Crustaceans	Edible crab	Yes
Crustaceans	Great spider crab	Yes
Crustaceans	Leach's spider crab	Yes
Crustaceans	Long clawed squat lobster	Yes
Crustaceans	Long legged spider crab	Yes
Crustaceans	Pink or northern prawn	Yes
Crustaceans	Spiny squat lobster	Yes
Crustaceans	Sponge or scorpion spider crabs	Yes
Crustaceans	Velvet swimming crab	Yes
Crustaceans	Wrinkled swimming crab	Yes
Fishes	Anglerfish	Yes
Fishes	Ballan wrasse	Yes
Fishes	Bib	Yes
Fishes	Black goby	Yes
Fishes	Butterfish	Yes
Fishes	Common dragonet	Yes
Fishes	Conger eel	Yes
Fishes	Corkwring Wrasse	Yes
Fishes	Couch's goby	Yes
Fishes	Cuckoo wrasse	Yes
Fishes	Dragonet	Yes
Fishes	Goldsinny wrasse	Yes
Fishes	Greater pipefish	Yes
Fishes	Gurnard	Yes
Fishes	John dory	Yes
Fishes	Leapord spotted goby	Yes
Fishes	Long-spined sea scorpion	Yes
Fishes	Lumpsucker	Yes
Fishes	Painted goby	Yes
Fishes	Pogge	Yes
Fishes	Pollack	Yes
Fishes	Poor cod	Yes
Fishes	Rock cook	Yes
Fishes	Sand goby	Yes
Fishes	Shanny	Yes
Fishes	Short spined sea scorpion	Yes
Fishes	Small spotted catshark	Yes
Fishes	Sole	Yes

<b>Illustrative list of species observed in Carlingford Lough by Dundalk Sub Aqua Club</b>		
<b>Group</b>	<b>Common Name</b>	<b>Observed?</b>
Fishes	Solenette	Yes
Fishes	Tompot blenny	Yes
Fishes	Top knot	Yes
Fishes	Top knot	Yes
Fishes	Yarrell's blenny	Yes
Hydroids	Antenna hydroid	Yes
Hydroids	Oaten pipe hydroids	Yes
Hydroids	Sea beard	Yes
Jellyfish	Barrell jellyfish	Yes
Jellyfish	Blue jellyfish	Yes
Jellyfish	Comb jelly	Yes
Jellyfish	Compass jellyfish	Yes
Jellyfish	Lion's mane	Yes
Jellyfish	Moon jellyfish	Yes
Mammals	Common Seal	Yes
Mammals	Dolphin	Yes
Mammals	Porpoise	Yes
Mammals	Otter	Yes
Molluscs	Acanthodirus pilosa (White nudibranch)	Yes
Molluscs	Acanthodoris pilosa	Yes
Molluscs	Arctic and European cowries	Yes
Molluscs	Blue-rayed limpet	Yes
Molluscs	Common whelk	Yes
Molluscs	Coryphella browni	Yes
Molluscs	Coryphella lineata (orange/white tipped nudibranch)	Yes
Molluscs	Crystal sea slug	Yes
Molluscs	Edible mussel	Yes
Molluscs	Grey topshell	Yes
Molluscs	Horse mussel	Yes
Molluscs	Lesser or curled octopus	Yes
Molluscs	Painted topshell	Yes
Molluscs	Sea hare	Yes
Molluscs	Sepiola (little cuttlefish)	Yes
Molluscs	Textured sea slug	Yes
Molluscs	Violet sea slug	Yes
Molluscs	Yellow edged polycera (Yellow/clear nudibranch)	Yes
Sea pens	Slender sea pen	Yes
Sea squirts	Aplidium punctum	Yes
Sea squirts	Club sea squirts	Yes
Sea squirts	Fluted sea squirt	Yes
Sea squirts	Light bulb sea squirt	Yes
Sea squirts	Orange club sea squirt	Yes
Sea squirts	Star sea squirt	Yes
Sea squirts	Yellow ringed sea squirts	Yes
Sponges	Boring sponge	Yes
Sponges	Chimney sponge	Yes
Sponges	Crater sponge	Yes
Sponges	Elephant hide sponge	Yes
Sponges	Golf ball sponge	Yes
Sponges	Goosesbump sponge	Yes
Sponges	Hedgehog sponge	Yes
Sponges	Honeycomb or crater sponge	Yes
Sponges	Other branching sponge	Yes
Sponges	Purse sponge	Yes
Sponges	Red encrusting sponge	Yes
Sponges	Sea orange sponge	Yes
Sponges	Shredded carrot sponge	Yes
Sponges	Volcano sponge	Yes
Sponges	Yellow hedgehog sponge	Yes
Sponges	Yellow staghorn sponge	Yes
Starfish, sea urchins and sea cucumbers	Bloody henry	Yes

